













# The Essays

1865

A handwritten signature in dark ink, appearing to be 'Dus.' with a large, looping initial 'D'.

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## NOTE.

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## I.

# THE PHILOSOPHY OF STYLE.

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COMMENTING on the seeming incongruity between his father's argumentative powers and his ignorance of formal logic, Tristram Shandy says :—"It was a matter of just wonder with my worthy tutor, and two or three fellows of that learned society, that a man who knew not so much as the names of his tools, should be able to work after that fashion with them." Sterne's intended implication that a knowledge of the principles of reasoning neither makes, nor is essential to, a good reasoner, is doubtless true. Thus, too, is it with grammar. As Dr. Latham, condemning the usual school-drill in Lindley Murray, rightly remarks :—"Gross vulgarity is a fault to be prevented ; but the proper prevention is to be got from habit—not rules." Similarly, there can be little question that good composition is far less dependent upon acquaintance with its laws, than upon practice and natural aptitude. A clear head, a quick imagination, and a sensitive ear, will go far towards making all rhetorical precepts needless. He who daily hears and reads well-framed sentences, will naturally more or less tend to use similar ones. And where there exists any mental idiosyncrasy—where there is a deficient verbal memory, or an inadequate



sense of logical dependence, or but little perception of order, or a lack of constructive ingenuity; no amount of instruction will remedy the defect. Nevertheless, *some* practical result may be expected from a familiarity with the principles of style. The endeavour to conform to laws may tell, though slowly. And if in no other way, yet, as facilitating revision, a knowledge of the thing to be achieved—a clear idea of what constitutes a beauty, and what a blemish—cannot fail to be of service.

No general theory of expression seems yet to have been enunciated. The maxims contained in works on composition and rhetoric, are presented in an unorganized form. Standing as isolated dogmas—as empirical generalizations, they are neither so clearly apprehended, nor so much respected, as they would be were they deduced from some simple first principle. We are told that “brevity is the soul of wit.” We hear styles condemned as verbose or involved. Blair says that every needless part of a sentence “interrupts the description and clogs the image;” and again, that “long sentences fatigue the reader’s attention.” It is remarked by Lord Kaimes, that “to give the utmost force to a period, it ought, if possible, to be closed with the word that makes the greatest figure.” That parentheses should be avoided and that Saxon words should be used in preference to those of Latin origin, are established precepts. But, however influential the truths thus dogmatically embodied, they would be much more influential if reduced to something like scientific ordination. In this, as in other cases, conviction will be greatly strengthened when we understand the *why*. And we may be sure that a comprehension of the general principle from which the rules of composition result, will not only bring them home to us with greater force, but will discover to us other rules of like origin.

On seeking for some clue to the law underlying these current maxims, we may see shadowed forth in many of them, the importance of economizing the reader's or hearer's attention. To so present ideas that they may be apprehended with the least possible mental effort, is the desideratum towards which most of the rules above quoted point. When we condemn writing that is wordy, or confused, or intricate—when we praise this style as easy, and blame that as fatiguing, we consciously or unconsciously assume this desideratum as our standard of judgment. Regarding language as an apparatus of symbols for the conveyance of thought, we may say that, as in a mechanical apparatus, the more simple and the better arranged its parts, the greater will be the effect produced. In either case, whatever force is absorbed by the machine is deducted from the result. A reader or listener has at each moment but a limited amount of mental power available. To recognize and interpret the symbols presented to him, requires part of this power; to arrange and combine the images suggested requires a further part; and only that part which remains can be used for realizing the thought conveyed. Hence, the more time and attention it takes to receive and understand each sentence, the less time and attention can be given to the contained idea; and the less vividly will that idea be conceived.

How truly language must be regarded as a hindrance to thought, though the necessary instrument of it, we shall clearly perceive on remembering the comparative force with which simple ideas are communicated by signs. To say, "Leave the room," is less expressive than to point to the door. Placing a finger on the lips is more forcible than whispering, "Do not speak." A beck of the hand is better than, "Come here." No phrase can convey the idea of surprise so vividly as opening the eyes and raising the eyebrows. A shrug of the shoulders would lose much

by translation into words. Again, it may be remarked that when oral language is employed, the strongest effects are produced by interjections, which condense entire sentences into syllables. And in other cases, where custom allows us to express thoughts by single words, as in *Beware*, *Heigho*, *Fudge*, much force would be lost by expanding them into specific propositions. Hence, carrying out the metaphor that language is the vehicle of thought, there seems reason to think that in all cases the friction and inertia of the vehicle deduct from its efficiency; and that in composition, the chief, if not the sole thing to be done, is, to reduce this friction and inertia to the smallest possible amount. Let us then inquire whether economy of the recipient's attention is not the secret of effect, alike in the right choice and collocation of words, in the best arrangement of clauses in a sentence, in the proper order of its principal and subordinate propositions, in the judicious use of simile, metaphor, and other figures of speech, and even in the rhythmical sequence of syllables. \* \*

The greater forcibleness of Saxon English, or rather non-Latin English, first claims our attention. The several special reasons assignable for this may all be reduced to the general reason—economy. The most important of them is early association. A child's vocabulary is almost wholly Saxon. He says, *I have*, not *I possess*—*I wish*, not *I desire*; he does not *reflect*, he *thinks*; he does not beg for *amusement*, but for *play*; he calls things *nice* or *nasty*, not *pleasant* or *disagreeable*. The synonyms which he learns in after years, never become so closely, so organically connected with the ideas signified, as do these original words used in childhood; and hence the association remains less strong. But in what does a strong association between a word and an idea differ from a weak one? Simply in the greater ease and rapidity of the suggestive action. It can be in nothing else. Both of

two words, if they be strictly synonymous, eventually call up the same image. The expression—It is *acid*, must in the end give rise to the same thought as—It is *sour*; but, because the term *acid* was learnt later in life, and has not been so often followed by the thought symbolized, it does not so readily arouse that thought as the term *sour*. If we remember how slowly and with what labour the appropriate ideas follow unfamiliar words in another language, and how increasing familiarity with such words brings greater rapidity and ease of comprehension; and if we consider that the same process must have gone on with the words of our mother tongue from childhood upwards, we shall clearly see that the earliest learnt and oftenest used words, will, other things equal, call up images with less loss of time and energy than their later learnt synonyms.

The further superiority possessed by Saxon English in its comparative brevity, obviously comes under the same generalization. If it be an advantage to express an idea in the smallest number of words, then will it be an advantage to express it in the smallest number of syllables. If circuitous phrases and needless expletives distract the attention and diminish the strength of the impression produced, then do surplus articulations do so. A certain effort, though commonly an inappreciable one, must be required to recognize every vowel and consonant. If, as all know, it is tiresome to listen to an indistinct speaker, or read a badly-written manuscript; and if, as we cannot doubt, the fatigue is a cumulative result of the attention needed to catch successive syllables; it follows that attention is in such cases absorbed by each syllable. And if this be true when the syllables are difficult of recognition, it will also be true, though in a less degree, when the recognition of them is easy. Hence, the shortness of Saxon words becomes a reason for their greater force. One qualification

however, must not be overlooked. A word which in itself embodies the most important part of the idea to be conveyed, especially when that idea is an emotional one, may often with advantage be a polysyllabic word. Thus it seems more forcible to say, "It is *magnificent*," than "It is *grand*." The word *vast* is not so powerful a one as *stupendous*. Calling a thing *nasty* is not so effective as calling it *disgusting*.

There seem to be several causes for this exceptional superiority of certain long words. We may ascribe it partly to the fact that a voluminous, mouth-filling epithet is, by its very size, suggestive of largeness or strength; witness the immense pomposity of sesquipedalian verbiage; and when great power or intensity has to be suggested, this association of ideas aids the effect. A further cause may be that a word of several syllables admits of more emphatic articulation; and as emphatic articulation is a sign of emotion, the unusual impressiveness of the thing named is implied by it. Yet another cause is that a long word (of which the latter syllables are generally inferred as soon as the first are spoken) allows the hearer's consciousness a longer time to dwell upon the quality predicated; and where, as in the above cases, it is to this predicated quality that the entire attention is called, an advantage results from keeping it before the mind for an appreciable time. The reasons which we have given for preferring short words evidently do not hold here. So that to make our generalization quite correct we must say, that while in certain sentences expressing strong feeling, the word which more especially implies that feeling may often with advantage be a many-syllabled or Latin one; in the immense majority of cases, each word serving but as a step to the idea embodied by the whole sentence, should, if possible, be a one-syllabled or Saxon one.

Once more, that frequent cause of strength in Saxon

and other primitive words—their imitative character, may be similarly resolved into the more general cause. Both those directly imitative, as *splash, bang, whiz, roar, &c.*, and those analogically imitative, as *rough, smooth, keen, blunt, thin, hard, crag, &c.*, have a greater or less likeness to the things symbolized; and by making on the senses impressions allied to the ideas to be called up, they save part of the effort needed to call up such ideas, and leave more attention for the ideas themselves.

The economy of the recipient's mental energy, into which are thus resolvable the several causes of the strength of Saxon English, may equally be traced in the superiority of specific over generic words. That concrete terms produce more vivid impressions than abstract ones, and should, when possible, be used instead, is a current maxim of composition. As Dr. Campbell says, "The more general the terms are, the picture is the fainter; the more special they are, the brighter." We should avoid such a sentence as:

—In proportion as the manners, customs, and amusements of a nation are cruel and barbarous, the regulations of their penal code will be severe.

And in place of it we should write:

—In proportion as men delight in battles, bull-fights, and combats of gladiators, will they punish by hanging, burning, and the rack.

This superiority of specific expressions is clearly due to a saving of the effort required to translate words into thoughts. As we do not think in generals but in particulars—as, whenever any class of things is referred to, we represent it to ourselves by calling to mind individual members of it; it follows that when an abstract word is used, the hearer or reader has to choose from his stock of images, one or more, by which he may figure to himself the genus mentioned. In doing this, some delay must

arise—some force be expended; and if, by employing a specific term, an appropriate image can be at once suggested, an economy is achieved, and a more vivid impression produced.

Turning now from the choice of words to their sequence, we shall find the same general principle hold good. We have *a priori* reasons for believing that in every sentence there is some one order of words more effective than any other; and that this order is the one which presents the elements of the proposition in the succession in which they may be most readily put together. As in a narrative, the events should be stated in such sequence that the mind may not have to go backwards and forwards in order to rightly connect them; as in a group of sentences, the arrangement should be such, that each of them may be understood as it comes, without waiting for subsequent ones; so in every sentence, the sequence of words should be that which suggests the constituents of the thought in the order most convenient for the building up that thought. Duly to enforce this truth, and to prepare the way for applications of it, we must briefly inquire into the mental act by which the meaning of a series of words is apprehended.

We cannot more simply do this than by considering the proper collocation of the substantive and adjective. Is it better to place the adjective before the substantive, or the substantive before the adjective? Ought we to say with the French—*un cheval noir*; or to say as we do—a black horse? Probably, most persons of culture would decide that one order is as good as the other. Alive to the bias produced by habit, they would ascribe to that the preference they feel for our own form of expression. They would expect those educated in the use of the opposite form to have an equal preference for that. And thus they would conclude that neither of these instinctive judgments

is of any worth. There is, however, a philosophical ground for deciding in favour of the English custom. If "a horse black" be the arrangement, immediately on the utterance of the word "horse," there arises, or tends to arise, in the mind, a picture answering to that word; and as there has been nothing to indicate what *kind* of horse, any image of a horse suggests itself. Very likely, however, the image will be that of a brown horse: brown horses being the most familiar. The result is that when the word "black" is added, a check is given to the process of thought. Either the picture of a brown horse already present to the imagination has to be suppressed, and the picture of a black one summoned in its place; or else, if the picture of a brown horse be yet unformed, the tendency to form it has to be stopped. Whichever is the case, a certain amount of hindrance results. But if, on the other hand, "a black horse" be the expression used, no such mistake can be made. The word "black," indicating an abstract quality, arouses no definite idea. It simply prepares the mind for conceiving some object of that colour; and the attention is kept suspended until that object is known. If, then, by the precedence of the adjective, the idea is conveyed without liability to error, whereas the precedence of the substantive is apt to produce a misconception; it follows that the one gives the mind less trouble than the other, and is therefore more forcible.

Possibly it will be objected that the adjective and substantive come so close together, that practically they may be considered as uttered at the same moment; and that on hearing the phrase, "a horse black," there is not time to imagine a wrongly-coloured horse before the word "black" follows to prevent it. It must be owned that it is not easy to decide by introspection whether this is so or not. But there are facts collaterally implying that it



is not. Our ability to anticipate the words yet unspoken is one of them. If the ideas of the hearer kept considerably behind the expressions of the speaker, as the objection assumes, he could hardly foresee the end of a sentence by the time it was half delivered: yet this constantly happens. Were the supposition true, the mind, instead of anticipating, would be continually falling more and more in arrear. If the meanings of words are not realized as fast as the words are uttered, then the loss of time over each word must entail such an accumulation of delays as to leave a hearer entirely behind. But whether the force of these replies be or be not admitted, it will scarcely be denied that the right formation of a picture will be facilitated by presenting its elements in the order in which they are wanted; even though the mind should do nothing until it has received them all.

What is here said respecting the succession of the adjective and substantive is obviously applicable, by change of terms, to the adverb and verb. And without further explanation, it will be manifest, that in the use of prepositions and other particles, most languages spontaneously conform with more or less completeness to this law.

On applying a like analysis to the larger divisions of a sentence, we find not only that the same principle holds good, but that the advantage of respecting it becomes marked. In the arrangement of predicate and subject, for example, we are at once shown that as the predicate determines the aspect under which the subject is to be conceived, it should be placed first; and the striking effect produced by so placing it becomes comprehensible. Take the often-quoted contrast between—"Great is Diana of the Ephesians," and—"Diana of the Ephesians is great." When the first arrangement is used, the utterance of the word "great" arouses those vague associations of an im-

pressive nature with which it has been habitually connected; the imagination is prepared to clothe with high attributes whatever follows; and when the words, "Diana of the Ephesians," are heard, all the appropriate imagery which can, on the instant, be summoned, is used in the formation of the picture: the mind being thus led directly, and without error, to the intended impression. When, on the contrary, the reverse order is followed, the idea, "Diana of the Ephesians," is conceived with no special reference to greatness; and when the words, "is great," are added, the conception has to be remodelled: whence arises a loss of mental energy, and a corresponding diminution of effect. The following verse from Coleridge's "Ancient Mariner," though somewhat irregular in structure, well illustrates the same truth:

*"Alone, alone, all, all alone,  
Alone on a wide wide sea!  
And never a saint took pity on  
My soul in agony."*

Of course the principle equally applies when the predicate is a verb or a participle. And as effect is gained by placing first all words indicating the quality, conduct, or condition of the subject, it follows that the copula also should have precedence. It is true, that the general habit of our language resists this arrangement of predicate, copula, and subject; but we may readily find instances of the additional force gained by conforming to it. Thus in the line from "Julius Cæsar"—

*"Then burst this mighty heart,"*

priority is given to a word embodying both predicate and copula. In a passage contained in "The Battle of Flodden Field," the like order is systematically employed with great effect:

"The Border slogan rent the sky!  
*A Home! a Gordon! was the cry;*  
*Loud were the clanging blows:*  
*Advanced,—forced back,—now low, now high,*  
 The pennon sunk and rose;  
*As bends the bark's mast in the gale*  
*When rent are rigging, shrouds, and sail,*  
 It wavered 'mid the foes."

Pursuing the principle yet further, it is obvious that for producing the greatest effect, not only should the main divisions of a sentence observe this sequence, but the subdivisions of these should be similarly arranged. In nearly all cases, the predicate is accompanied by some limit or qualification called its complement. Commonly, also, the circumstances of the subject, which form its complement, have to be specified. And as these qualifications and circumstances must determine the mode in which the acts and things they belong to are conceived, precedence should be given to them. Lord Kaimes notices the fact that this order is preferable; though without giving the reason. He says:—"When a circumstance is placed at the beginning of the period, or near the beginning, the transition from it to the principal subject is agreeable: is like ascending or going upward." A sentence arranged in illustration of this will be desirable. Here is one:

—Whatever it may be in theory, it is clear that in practice the French idea of liberty is—the right of every man to be master of the rest.

In this case, were the first two clauses, up to the word "practice" inclusive, which qualify the subject, to be placed at the end instead of the beginning, much of the force would be lost; as thus:

—The French idea of liberty is—the right of every man to be master of the rest; in practice at least, if not in theory.

Similarly with respect to the conditions under which any fact is predicated. Observe in the following example the effect of putting them last :

—How immense would be the stimulus to progress, were the honour now given to wealth and title given exclusively to high achievements and intrinsic worth !

And then observe the superior effect of putting them first :

—Were the honour now given to wealth and title given exclusively to high achievements and intrinsic worth, how immense would be the stimulus to progress !

The effect of giving priority to the complement of the predicate, as well as the predicate itself, is finely displayed in the opening of "Hyperion" :

*" Deep in the shady sadness of a vale  
Far sunken from the healthy breath of morn,  
Far from the fiery noon and eve's one star  
Sat gray-haired Saturn, quiet as a stone."*

Here it will be observed, not only that the predicate "sat" precedes the subject "Saturn," and that the three lines in italics, constituting the complement of the predicate, come before it; but that in the structure of that complement also, the same order is followed: each line being so arranged that the qualifying words are placed before the words suggesting concrete images.

The right succession of the principal and subordinate propositions in a sentence manifestly depends on the same law. Regard for economy of the recipient's attention, which, as we find, determines the best order for the subject, copula, predicate, and their complements, dictates that the subordinate proposition shall precede the principal one, when the sentence includes two. Containing, as the subordinate proposition does, some qualifying or explanatory idea, its priority prevents misconception of the

principal one ; and therefore saves the mental effort needed to correct such misconception. This will be seen in the annexed example.

—The secrecy once maintained in respect to the parliamentary debates, is still thought needful in diplomacy ; and in virtue of this secret diplomacy, England may any day be unawares betrayed by its ministers into a war costing a hundred thousand lives, and hundreds of millions of treasure : yet the English pique themselves on being a self-governed people.

The two subordinate propositions, ending with the semicolon and colon respectively, almost wholly determine the meaning of the principal proposition with which it concludes ; and the effect would be lost were they placed last instead of first.

The general principle of right arrangement in sentences, which we have traced in its application to the leading divisions of them, equally determines the proper order of their minor divisions. In every sentence of any complexity the complement to the subject contains several clauses, and that to the predicate several others ; and these may be arranged in greater or less conformity to the law of easy apprehension. Of course with these, as with the larger members, the succession should be from the less specific to the more specific—from the abstract to the concrete.

Now, however, we must notice a further condition to be fulfilled in the proper construction of a sentence ; but still a condition dictated by the same general principle with the other : the condition, namely, that the words and expressions most nearly related in thought shall be brought the closest together. Evidently the single words, the minor clauses, and the leading divisions of every proposition, severally qualify each other. The longer the time that elapses between the mention of any qualifying mem-

it becomes a question whether most mental effort will be entailed by the many and long suspensions, or by the correction of successive misconceptions.

This question may sometimes be decided by considering the capacity of the persons addressed. A greater grasp of mind is required for the ready comprehension of thoughts expressed in the direct manner, where the sentences are anywise intricate. To recollect a number of preliminaries stated in elucidation of a coming idea, and to apply them all to the formation of it when suggested, demands a good memory and considerable power of concentration. To one possessing these, the direct method will mostly seem the best; while to one deficient in them it will seem the worst. Just as it may cost a strong man less effort to carry a hundred-weight from place to place at once, than by a stone at a time; so, to an active mind it may be easier to bear along all the qualifications of an idea and at once rightly form it when named, than to first imperfectly conceive such idea, and then carry back to it, one by one, the details and limitations afterwards mentioned. While conversely, as for a boy the only possible mode of transferring a hundred-weight, is that of taking it in portions; so, for a weak mind, the only possible mode of forming a compound conception may be that of building it up by carrying separately its several parts.

That the indirect method—the method of conveying the meaning by a series of approximations—is best fitted for the uncultivated, may indeed be inferred from their habitual use of it. The form of expression adopted by the savage, as in—“Water, give me,” is the simplest type of the approximate arrangement. In pleonasm, which are comparatively prevalent among the uneducated, the same essential structure is seen; as, for instance, in—“The men, they were there.” Again, the old possessive case—“The king, his crown,” conforms to the like order of

thought. Moreover, the fact that the indirect mode is called the natural one, implies that it is the one spontaneously employed by the common people: that is—the one easiest for undisciplined minds.

There are many cases, however, in which neither the direct nor the indirect structure is the best; but where an intermediate structure is preferable to both. When the number of circumstances and qualifications to be included in the sentence is great, the most judicious course is neither to enumerate them all before introducing the idea to which they belong, nor to put this idea first and let it be remodelled to agree with the particulars afterwards mentioned; but to do a little of each. Take a case. It is desirable to avoid so extremely indirect an arrangement as the following:

——“We came to our journey’s end, at last, with no small difficulty, after much fatigue, through deep roads, and bad weather.”

Yet to transform this into an entirely indirect sentence would not produce a satisfactory effect; as witness:—

——At last, with no small difficulty, after much fatigue, through deep roads, and bad weather, we came to our journey’s end.

Dr. Whately, from whom we quote the first of these two arrangements, proposes this construction:—

——“At last, after much fatigue, through deep roads and bad weather, we came, with no small difficulty, to our journey’s end.”

Here it will be observed that by introducing the words “we came” a little earlier in the sentence, the labour of carrying forward so many particulars is diminished, and the subsequent qualification “with no small difficulty” entails an addition to the thought that is very easily made. But a further improvement may be produced by introducing the words “we came” still earlier; especially if at

the same time the qualifications be rearranged in conformity with the principle already explained, that the more abstract elements of the thought should come before the more concrete. • Observe the better effect obtained by making these two changes :

—At last, with no small difficulty, and after much fatigue, we came, through deep roads and bad weather, to our journey's end.

This reads with comparative smoothness; that is,—with less hindrance from suspensions and reconstructions of thought—with less mental effort.

Before dismissing this branch of our subject, it should be further remarked, that even when addressing the most vigorous intellects, the direct style is unfit for communicating ideas of a complex or abstract character. So long as the mind has not much to do, it may be well able to grasp all the preparatory clauses of a sentence, and to use them effectively; but if some subtlety in the argument absorb the attention—if every faculty be strained in endeavouring to catch the speaker's or writer's drift, it may happen that the mind, unable to carry on both processes at once, will break down, and allow the elements of the thought to lapse into confusion.

Turning now to consider figures of speech, we may equally discern the same general law of effect. Underlying all the rules given for the choice and right use of them, we shall find the same fundamental requirement—economy of attention. It is indeed chiefly because they so well subserve this requirement, that figures of speech are employed. To bring the mind more easily to the desired conception, is in many cases solely, and in all cases mainly, their object.

Let us begin with the figure called Synecdoche. The advantage sometimes gained by putting a part for the



whole, is due to the more convenient, or more accurate, presentation of the idea. If, instead of saying "a fleet of ten ships," we say "a fleet of ten *sail*," the picture of a group of vessels at sea is more readily suggested; and is so because the sails constitute the most conspicuous parts of vessels so circumstanced: whereas the word *ships* would very likely remind us of vessels in dock. Again, to say, "All *hands* to the pumps," is better than to say, "All *men* to the pumps;" as it suggests the men in the special attitude intended, and so saves effort. Bringing "*gray hairs* with sorrow to the grave," is another expression, the effect of which has the same cause.

The occasional increase of force produced by Metonymy may be similarly accounted for. "The low morality of *the bar*," is a phrase both more brief and significant than the literal one it stands for. A belief in the ultimate supremacy of intelligence over brute force, is conveyed in a more concrete, and therefore more realizable form, if we substitute *the pen* and *the sword* for the two abstract terms. To say, "Beware of drinking!" is less effective than to say, "Beware of *the bottle*!" and is so, clearly because it calls up a less specific image.

The Simile is in many cases used chiefly with a view to ornament; but whenever it increases the *force* of a passage, it does so by being an economy. Here is an instance:

—The illusion that great men and great events came oftener in early times than now, is partly due to historical perspective. As in a range of equidistant columns, the furthest off look the closest; so, the conspicuous objects of the past seem more thickly clustered the more remote they are.

To construct by a process of literal explanation, the thought thus conveyed, would take many sentences; and the first elements of the picture would become faint while the imagination was busy in adding the others. But by

the help of a comparison all effort is saved ; the picture is instantly realized, and its full effect produced.

Of the position of the Simile,\* it needs only to remark, that what has been said respecting the order of the adjective and substantive, predicate and subject, principal and subordinate propositions, &c., is applicable here. As whatever qualifies should precede whatever is qualified, force will generally be gained by placing the simile before the object to which it is applied. That this arrangement is the best, may be seen in the following passage from the "Lady of the Lake":—

"As wreath of snow, on mountain breast,  
Slides from the rock that gave it rest,  
Poor Ellen glided from her stay,  
And at the monarch's feet she lay."

Inverting these couplets will be found to diminish the effect considerably. There are cases, however, even where the simile is a simple one, in which it may with advantage be placed last ; as in these lines from Alexander Smith's "Life Drama":—

"I see the future stretch  
All dark and barren as a rainy sea."

The reason for this seems to be, that so abstract an idea as that attaching to the word "future," does not present itself to the mind in any definite form ; and hence the subsequent arrival at the simile entails no reconstruction of the thought.

Such, however, are not the only cases in which this or-

\* Properly the term "simile" is applicable only to the entire figure, inclusive of the two things compared and the comparison drawn between them. But as there exists no name for the illustrative member of the figure, there seems no alternative but to employ "simile" to express this also. This context will in each case show in which sense the word is used.

der is the most forcible. As the advantage of putting the simile before the object depends on its being carried forward in the mind to assist in forming an image of the object; it must happen that if, from length or complexity, it cannot be so carried forward, the advantage is not gained. The annexed sonnet, by Coleridge, is defective from this cause :

“As when a child, on some long winter’s night,  
 Affrighted, clinging to its grandam’s knees,  
 With eager wond’ring and perturb’d delight  
 Listens strange tales of fearful dark decrees,  
 Mutter’d to wretch by necromantic spell;  
 Or of those hags who at the witching time  
 Of murky midnight, ride the air sublime,  
 And mingle foul embrace with fiends of hell;  
 Cold horror drinks its blood! Anon the tear  
 More gentle starts, to hear the beldame tell  
 Of pretty babes, that lov’d each other dear,  
 Murder’d by cruel uncle’s mandate fell:  
 Ev’n such the shiv’ring joys thy tones impart,  
 Ev’n so, thou, Siddons, meltest my sad heart.”

Here, from the lapse of time and accumulation of circumstances, the first part of the comparison is forgotten before its application is reached; and requires re-reading. Had the main idea been first mentioned, less effort would have been required to retain it, and to modify the conception of it into harmony with the comparison, than to remember the comparison, and refer back to its successive features for help in forming the final image.

The superiority of the Metaphor to the Simile is ascribed by Dr. Whately to the fact that “all men are more gratified at catching the resemblance for themselves, than in having it pointed out to them.” But after what has been said, the great economy it achieves will seem the more probable cause. Lear’s exclamation—

“Ingratitude! thou marble-hearted fiend,”  
would lose part of its effect were it changed into—

“Ingratitude! thou fiend with heart like marble;”

and the loss would result partly from the position of the simile and partly from the extra number of words required. When the comparison is an involved one, the greater force of the metaphor, consequent on its greater brevity, becomes much more conspicuous. If, drawing an analogy between mental and physical phenomena, we say,

—As, in passing through the crystal, beams of white light are decomposed into the colours of the rainbow; so, in traversing the soul of the poet, the colourless rays of truth are transformed into brightly-tinted poetry;—it is clear that in receiving the double set of words expressing the two halves of the comparison, and in carrying the one half to the other, considerable attention is absorbed. Most of this is saved, however, by putting the comparison in a metaphorical form, thus:

—The white light of truth, in traversing the many-sided transparent soul of the poet, is refracted into irised poetry.

How much is conveyed in a few words by the help of the Metaphor, and how vivid the effect consequently produced, may be abundantly exemplified. From “A Life Drama” may be quoted the phrase,

“I spear’d him with a jest,”

as a fine instance among the many which that poem contains. A passage in the “Prometheus Unbound,” of Shelley, displays the power of the metaphor to great advantage:

“Methought among the lawns together  
We wandered, underneath the young gray dawn,  
And multitudes of dense white fleecy-clouds

Were wandering in thick flocks along the mountains  
*Shepherded* by the slow unwilling wind."

This last expression is remarkable for the distinctness with which it realizes the features of the scene: bringing the mind, as it were, by a bound to the desired conception.

But a limit is put to the advantageous use of the Metaphor, by the condition that it must be sufficiently simple to be understood from a hint. Evidently, if there be any obscurity in the meaning or application of it, no economy of attention will be gained; but rather the reverse. Hence, when the comparison is complex, it is usual to have recourse to the Simile. There is, however, a species of figure, sometimes classed under Allegory, but which might, perhaps, be better called Compound Metaphor, that enables us to retain the brevity of the metaphorical form even where the analogy is intricate. This is done by indicating the application of the figure at the outset, and then leaving the mind to continue the parallel. Emerson has employed it with great effect in the first of his "Lectures on the Times":

"The main interest which any aspects of the Times can have for us, is the great spirit which gazes through them, the light which they can shed on the wonderful questions, What are we, and Whither do we tend? We do not wish to be deceived. Here we drift, like white sail across the wild ocean, now bright on the wave, now darkling in the trough of the sea; but from what port did we sail? Who knows? Or to what port are we bound? Who knows? There is no one to tell us but such poor weather-tossed mariners as ourselves, whom we speak as we pass, or who have hoisted some signal, or floated to us some letter in a bottle from afar. But what know they more than we? They also found themselves on this wondrous sea. No; from the older sailors nothing. Over all their speaking-trumpets the gray sea and the loud winds answer—Not in us; not in Time."

The division of the Simile from the Metaphor is by no

means a definite one. Between the one extreme in which the two elements of the comparison are detailed at full length and the analogy pointed out, and the other extreme in which the comparison is implied instead of stated, come intermediate forms, in which the comparison is partly stated and partly implied. For instance:

—Astonished at the performances of the English plough, the Hindoos paint it, set it up, and worship it; thus turning a tool into an idol: linguists do the same with language.

There is an evident advantage in leaving the reader or hearer to complete the figure. And generally these intermediate forms are good in proportion as they do this; provided the mode of completing it be obvious.

Passing over much that may be said of like purport upon Hyperbole, Personification, Apostrophe, &c., let us close our remarks upon construction by a typical example. The general principle which has been enunciated is, that other things equal, the force of all verbal forms and arrangements is great, in proportion as the time and mental effort they demand from the recipient is small. The corollaries from this general principle have been severally illustrated; and it has been shown that the relative goodness of any two modes of expressing an idea, may be determined by observing which requires the shortest process of thought for its comprehension. But though conformity in particular points has been exemplified, no cases of complete conformity have yet been quoted. It is indeed difficult to find them; for the English idiom does not commonly permit the order which theory dictates. A few, however, occur in Ossian. Here is one:

“As autumn’s dark storms pour from two echoing hills, so towards each other approached the heroes. As two dark streams from high rocks meet and mix, and roar on the plain: loud, rough, and dark in battle meet Lochlin and Inisfail. \* \* \* As the  
 2\*

troubled noise of the ocean when roll the waves on high; as the last peal of the thunder of heaven; such is noise of the battle."

Except in the position of the verb in the first two similes, the theoretically best arrangement is fully carried out in each of these sentences. The simile comes before the qualified image, the adjectives before the substantives, the predicate and copula before the subject, and their respective complements before them. That the passage is open to the charge of being bombastic proves nothing; or rather, proves our case. For what is bombast but a force of expression too great for the magnitude of the ideas embodied? All that may rightly be inferred is, that only in very rare cases, and then only to produce a climax, should all the conditions of effective expression be fulfilled.

Passing on to a more complex application of the doctrine with which we set out, it must now be remarked, that not only in the structure of sentences, and the use of figures of speech, may economy of the recipient's mental energy be assigned as the cause of force; but that in the choice and arrangement of the minor images, out of which some large thought is to be built up, we may trace the same condition to effect. To select from the sentiment, scene, or event described, those typical elements which carry many others along with them; and so, by saying a few things but suggesting many, to abridge the description; is the secret of producing a vivid impression. An extract from Tennyson's "Mariana" will well illustrate this:

'All day within the dreamy house,  
The door upon the hinges creaked,  
The blue fly sung i' the pane; the mouse  
Behind the mouldering wainscot shrieked,  
Or from the crevice peered about."

The several circumstances here specified bring with them many appropriate associations. Our attention is rarely drawn by the buzzing of a fly in the window, save when every thing is still. While the inmates are moving about the house, mice usually keep silence; and it is only when extreme quietness reigns that they peep from their retreats. Hence each of the facts mentioned, presupposing numerous others, calls up these with more or less distinctness; and revives the feeling of dull solitude with which they are connected in our experience. Were all these facts detailed instead of suggested, the attention would be so frittered away that little impression of dreariness would be produced. Similarly in other cases. Whatever the nature of the thought to be conveyed, this skilful selection of a few particulars which imply the rest, is the key to success. In the choice of competent ideas, as in the choice of expressions, the aim must be to convey the greatest quantity of thoughts with the smallest quantity of words.

The same principle may in some cases be advantageously carried yet further, by indirectly suggesting some entirely distinct thought in addition to the one expressed. Thus if we say,

—The head of a good classic is as full of ancient myths, as that of a servant-girl of ghost stories; it is manifest that besides the fact asserted, there is an implied opinion respecting the small value of classical knowledge: and as this implied opinion is recognized much sooner than it can be put into words, there is gain in omitting it. In other cases, again, great effect is produced by an overt omission; provided the nature of the idea left out is obvious. A good instance of this occurs in “Heroes and Hero-worship.” After describing the way in which Burns was sacrificed to the idle curiosity of Lion-hunters—people who came not out of sympathy but



merely to see him—people who sought a little amusement, and who got their amusement while “the Hero’s life went for it!” Carlyle suggests a parallel thus :

“Richter says, in the Island of Sumatra there is a kind of ‘Light-chafers,’ large Fire-flies, which people stick upon spits, and illuminate the ways with at night. Persons of condition can thus travel with a pleasant radiance, which they much admire. Great honour to the Fire-flies! But—!—”

Before inquiring whether the law of effect, thus far traced, explains the superiority of poetry to prose; it will be needful to notice some supplementary causes of force in expression, that have not yet been mentioned. These are not, properly speaking, additional causes; but rather secondary ones, originating from those already specified—reflex results of them. In the first place, then, we may remark that mental excitement spontaneously prompts the use of those forms of speech which have been pointed out as the most effective. “Out with him!” “Away with him!” are the natural utterances of angry citizens at a disturbed meeting. A voyager, describing a terrible storm he had witnessed, would rise to some such climax as—“Crack went the ropes and down came the mast.” Astonishment may be heard expressed in the phrase—“Never was there such a sight!” All of which sentences are, it will be observed, constructed after the direct type. Again, every one knows that excited persons are given to figures of speech. The vituperation of the vulgar abounds with them: often, indeed, consists of little else. “Beast,” “brute,” “gallows rogue,” “cut-throat villain,” these, and other like metaphors and metaphorical epithets, at once call to mind a street quarrel. Further, it may be noticed that extreme brevity is another characteristic of passionate language. The sentences are generally incomplete;

the particles are omitted; and frequently important words are left to be gathered from the context. Great admiration does not vent itself in a precise proposition, as—"It is beautiful;" but in the simple exclamation,—“Beautiful!” He who, when reading a lawyer’s letter, should say, “Vile rascal!” would be thought angry; while, “He is a vile rascal,” would imply comparative coolness. Thus we see that alike in the order of the words, in the frequent use of figures, and in extreme conciseness, the natural utterances of excitement conform to the theoretical conditions of forcible expression.

Hence, then, the higher forms of speech acquire a secondary strength from association. Having, in actual life, habitually heard them in connection with vivid mental impressions; and having been accustomed to meet with them in the most powerful writing; they come to have in themselves a species of force. The emotions that have from time to time been produced by the strong thoughts wrapped up in these forms, are partially aroused by the forms themselves. They create a certain degree of animation; they induce a preparatory sympathy; and when the striking ideas looked for are reached, they are the more vividly realized.

The continuous use of these modes of expression that are alike forcible in themselves and forcible from their associations, produces the peculiarly impressive species of composition which we call poetry. Poetry, we shall find, habitually adopts those symbols of thought, and those methods of using them, which instinct and analysis agree in choosing as most effective; and becomes poetry by virtue of doing this. On turning back to the various specimens that have been quoted, it will be seen that the direct or inverted form of sentence predominates in them; and that to a degree quite inadmissible in prose. And not only in the frequency, but in what is termed the violence

of the inversions, will this distinction be remarked. In the abundant use of figures, again, we may recognize the same truth. Metaphors, similes, hyperboles, and personifications, are the poet's colours, which he has liberty to employ almost without limit. We characterize as "poetical" the prose which uses these appliances of language with any frequency; and condemn it as "over florid" or "affected" long before they occur with the profusion allowed in verse. Further, let it be remarked that in brevity—the other requisite of forcible expression which theory points out, and emotion spontaneously fulfils—poetical phraseology similarly differs from ordinary phraseology. Imperfect periods are frequent; elisions are perpetual; and many of the minor words, which would be deemed essential in prose, are dispensed with.

Thus poetry, regarded as a vehicle of thought, is especially impressive partly because it obeys all the laws of effective speech, and partly because in so doing it imitates the natural utterances of excitement. While the matter embodied is idealized emotion, the vehicle is the idealized language of emotion. As the musical composer catches the cadences in which our feelings of joy and sympathy, grief and despair, vent themselves, and out of these germs evolves melodies suggesting higher phases of these feelings; so, the poet develops from the typical expressions in which men utter passion and sentiment, those choice forms of verbal combination in which concentrated passion and sentiment may be fitly presented.

There is one peculiarity of poetry conducing much to its effect—the peculiarity which is indeed usually thought its characteristic one—still remaining to be considered: we mean its rhythmical structure. This, improbable though it seems, will be found to come under the same generalization with the others. Like each of them, it is an idealization of the natural language of strong emotion,

which is known to be more or less metrical if the emotion be not too violent; and like each of them it is an economy of the reader's or hearer's attention. In the peculiar tone and manner we adopt in uttering versified language, may be discerned its relationship to the feelings; and the pleasure which its measured movement gives us, is ascribable to the comparative ease with which words metrically arranged can be recognized.

This last position will scarcely be at once admitted; but a little explanation will show its reasonableness. For if, as we have seen, there is an expenditure of mental energy in the mere act of listening to verbal articulations, or in that silent repetition of them which goes on in reading—if the perceptive faculties must be in active exercise to identify every syllable—then, any mode of so combining words as to present a regular recurrence of certain traits which the mind can anticipate, will diminish that strain upon the attention required by the total irregularity of prose. Just as the body, in receiving a series of varying concussions, must keep the muscles ready to meet the most violent of them, as not knowing when such may come; so, the mind in receiving unarranged articulations, must keep its perceptive active enough to recognize the least easily caught sounds. And as, if the concussions recur in a definite order, the body may husband its forces by adjusting the resistance needful for each concussion; so, if the syllables be rhythmically arranged, the mind may economize its energies by anticipating the attention required for each syllable.

Far-fetched though this idea will perhaps be thought, a little introspection will countenance it. That we *do* take advantage of metrical language to adjust our perceptive faculties to the force of the expected articulations, is clear from the fact that we are balked by halting versification. Much as at the bottom of a flight of stairs, a step

more or less than we counted upon gives us a shock ; so, too, does a misplaced accent or a supernumerary syllable. In the one case, we *know* that there is an erroneous pre-adjustment ; and we can scarcely doubt that there is one in the other. But if we habitually preadjust our perceptions to the measured movement of verse, the physical analogy above given renders it probable that by so doing we economize attention ; and hence that metrical language is more effective than prose, because it enables us to do this.\*

Were there space, it might be worth while to inquire whether the pleasure we take in rhyme, and also that which we take in euphony, are not partly ascribable to the same general cause.

A few paragraphs only, can be devoted to a second division of our subject that here presents itself. To pursue in detail the laws of effect, as applying to the larger features of composition, would carry us beyond our limits. But we may briefly indicate a further aspect of the general principle hitherto traced out, and hint a few of its wider applications.

Thus far, then, we have considered only those causes of force in language which depend upon economy of the mental *energies* : we have now to glance at those which depend upon economy of the mental *sensibilities*. Questionable though this division may be as a psychological one, it will yet serve roughly to indicate the remaining field of investigation. It will suggest that besides considering the extent to which any faculty or group of faculties is tasked in receiving a form of words and realizing its contained idea, we have to consider the state in which this faculty or group of faculties is left ; and how the reception of subsequent sentences and images will be influenced by that state. Without going at length into a

• wide a topic as the exercise of faculties and its reactive effects, it will be sufficient here to call to mind that every faculty (when in a state of normal activity) is most capable at the outset; and that the change in its condition, which ends in what we term exhaustion, begins simultaneously with its exercise. This generalization, with which we are all familiar in our bodily experiences, and which our daily language recognizes as true of the mind as a whole, is equally true of each mental power, from the simplest of the senses to the most complex of the sentiments. If we hold a flower to the nose for long, we become insensible to its scent. We say of a very brilliant flash of lightning that it blinds us; which means that our eyes have for a time lost their ability to appreciate light. After eating a quantity of honey, we are apt to think our tea is without sugar. The phrase "a deafening roar," implies that men find a very loud sound temporarily incapacitates them for hearing faint ones. To a hand which has for some time carried a heavy body, small bodies afterwards lifted seem to have lost their weight. Now, the truth at once recognized in these, its extreme manifestations, may be traced throughout. It may be shown that alike in the reflective faculties, in the imagination, in the perceptions of the beautiful, the ludicrous, the sublime, in the sentiments, the instincts, in all the mental powers, however we may classify them—action exhausts; and that • in proportion as the action is violent, the subsequent prostration is great.

Equally, throughout the whole nature, may be traced the law that exercised faculties are ever tending to resume their original state. Not only after continued rest, do they regain their full power—not only do brief cessations partially reinvigorate them; but even while they are in action, the resulting exhaustion is ever being neutralized. • The two processes of waste and repair go on together.

Hence with faculties habitually exercised—as the senses of all persons, or the muscles of any one who is strong—it happens that, during moderate activity, the repair is so nearly equal to the waste, that the diminution of power is scarcely appreciable; and it is only when the activity has been long continued, or has been very violent, that the repair becomes so far in arrear of the waste as to produce a perceptible prostration. In all cases, however, when, by the action of a faculty, waste has been incurred, *some* lapse of time must take place before full efficiency can be reacquired; and this time must be long in proportion as the waste has been great.

Keeping in mind these general truths, we shall be in a condition to understand certain causes of effect in composition now to be considered. Every perception received, and every conception realized, entailing some amount of waste—or, as Liebig would say, some change of matter in the brain; and the efficiency of the faculties subject to this waste being thereby temporarily, though often but momentarily, diminished; the resulting partial inability must affect the acts of perception and conception that immediately succeed. And hence we may expect that the vividness with which images are realized will, in many cases, depend on the order of their presentation: even when one order is as convenient to the understanding as the other.

There are sundry facts which alike illustrate this, and are explained by it. Climax is one of them. The marked effect obtained by placing last the most striking of any series of images, and the weakness—often the ludicrous weakness—produced by reversing this arrangement, depends on the general law indicated. As immediately after looking at the sun we cannot perceive the light of a fire, while by looking at the fire first and the sun afterwards we can perceive both; so, after receiving a brilliant, or

weighty; or terrible thought, we cannot appreciate a less brilliant, less weighty, or less terrible one, while, by reversing the order, we can appreciate each. In Antithesis, again, we may recognize the same general truth. The opposition of two thoughts that are the reverse of each other in some prominent trait, insures an impressive effect; and does this by giving a momentary relaxation to the faculties addressed. If, after a series of images of an ordinary character, appealing in a moderate degree to the sentiment of reverence, or approbation, or beauty, the mind has presented to it a very insignificant, a very unworthy, or a very ugly image; the faculty of reverence, or approbation, or beauty, as the case may be, having for the time nothing to do, tends to resume its full power; and will immediately afterwards appreciate a vast, admirable, or beautiful image better than it would otherwise do. Conversely, where the idea of absurdity due to extreme insignificance is to be produced, it may be greatly intensified by placing it after something highly impressive: especially if the form of phrase implies that something still more impressive is coming. A good illustration of the effect gained by thus presenting a petty idea to a consciousness that has not yet recovered from the shock of an exciting one, occurs in a sketch by Balzac. His hero writes to a mistress who has cooled towards him, the following letter:

“Madame,—Votre conduite m’étonne autant qu’elle m’afflige. Non contente de me déchirer le cœur par vos dédains, vous avez l’indélicatesse de me retenir une brosse à dents, que mes moyens ne me permettent pas de remplacer, mes propriétés étant grevées d’hypothèques.

“Adieu, trop belle et trop ingrate amie! Puissions-nous nous revoir dans un monde meilleur!

“CHARLES-EDOUARD.”

Thus we see that the phenomena of Climax, Antithesis,



and Anticlimax, alike result from this general principle. Improbable as these momentary variations in susceptibility may seem, we cannot doubt their occurrence when we contemplate the analogous variations in the susceptibility of the senses. Referring once more to phenomena of vision, every one knows that a patch of black on a white ground looks blacker, and a patch of white on a black ground looks whiter, than elsewhere. As the blackness and the whiteness must really be the same, the only assignable cause for this, is a difference in their actions upon us, dependent upon the different states of our faculties. It is simply a visual antithesis.

But this extension of the general principle of economy—this further condition to effective composition, that the sensitiveness of the faculties must be continuously husbanded—includes much more than has been yet hinted. It implies not only that certain arrangements and certain juxtapositions of connected ideas are best; but that some modes of dividing and presenting a subject will be more striking than others; and that, too, irrespective of its logical cohesion. It shows why we must progress from the less interesting to the more interesting; and why not only the composition as a whole, but each of its successive portions, should tend towards a climax. At the same time, it forbids long continuity of the same kind of thought, or repeated production of like effects. It warns us against the error committed both by Pope in his poems and by Bacon in his essays—the error, namely, of constantly employing forcible forms of expression: and it points out that as the easiest posture by and by becomes fatiguing, and is with pleasure exchanged for one less easy; so, the most perfectly-constructed sentences will soon weary, and relief will be given by using those of an inferior kind.

• Further, we may infer from it not only that should we avoid generally combining our words in one manner, how-

ever good, or working out our figures and illustrations in one way, however telling; but that we should avoid any thing like uniform adherence, even to the wider conditions of effect. We should not make every section of our subject progress in interest; we should not always rise to a climax. As we saw that, in single sentences, it is but rarely allowable to fulfil all the conditions to strength; so, in the larger sections of a composition we must not often conform entirely to the law indicated. We must subordinate the component effect to the total effect.

In deciding how practically to carry out the principles of artistic composition, we may derive help by bearing in mind a fact already pointed out—the fitness of certain verbal arrangements for certain kinds of thought. That constant variety in the mode of presenting ideas which the theory demands, will in a great degree result from a skilful adaptation of the form to the matter. We saw how the direct or inverted sentence is spontaneously used by excited people; and how their language is also characterized by figures of speech and by extreme brevity. Hence these may with advantage predominate in emotional passages; and may increase as the emotion rises. On the other hand, for complex ideas, the indirect sentence seems the best vehicle. In conversation, the excitement produced by the near approach to a desired conclusion, will often show itself in a series of short, sharp sentences; while, in impressing a view already enunciated, we generally make our periods voluminous by piling thought upon thought. These natural modes of procedure may serve as guides in writing. Keen observation and skilful analysis would, in like manner, detect further peculiarities of expression produced by other attitudes of mind; and by paying due attention to all such traits, a writer possessed of sufficient versatility might make some approach to a completely-organized work.

This species of composition which the law of effect points out as the perfect one, is the one which high genius tends naturally to produce. As we found that the kinds of sentence which are theoretically best, are those generally employed by superior minds, and by inferior minds when excitement has raised them; so, we shall find that the ideal form for a poem, essay, or fiction, is that which the ideal writer would evolve spontaneously. One in whom the powers of expression fully responded to the state of feeling, would unconsciously use that variety in the mode of presenting his thoughts, which Art demands. This constant employment of one species of phraseology, which all have now to strive against, implies an undeveloped faculty of language. To have a specific style is to be poor in speech. If we remember that in the far past, men had only nouns and verbs to convey their ideas with, and that from then to now the growth has been towards a greater number of implements of thought, and consequently towards a greater complexity and variety in their combinations; we may infer that we are now, in our use of sentences, much what the primitive man was in his use of words; and that a continuance of the process that has hitherto gone on, must produce increasing heterogeneity in our modes of expression. As now, in a fine nature, the play of the features, the tones of the voice and its cadences, vary in harmony with every thought uttered; so, in one possessed of a fully-developed power of speech, the mould in which each combination of words is cast will similarly vary with, and be appropriate to the sentiment.

That a perfectly-endowed man must unconsciously write in all styles, we may infer from considering how styles originate. Why is Johnson pompous, Goldsmith simple? Why is one author abrupt, another rhythmical, another concise? Evidently in each case the habitual mode of utterance must depend upon the habitual balance

of the nature. The predominant feelings have by use trained the intellect to represent them. But while long, though unconscious, discipline has made it do this efficiently, it remains, from lack of practice, incapable of doing the same for the less active feelings; and when these are excited, the usual verbal forms undergo but slight modifications. Let the powers of speech be fully developed, however—let the ability of the intellect to utter the emotions be complete; and this fixity of style will disappear. The perfect writer will express himself as Junius, when in the Junius frame of mind; when he feels as Lamb felt, will use a like familiar speech; and will fall into the ruggedness of Carlyle when in a Carlylean mood. Now he will be rhythmical and now irregular; here his language will be plain and there ornate; sometimes his sentences will be balanced and at other times unsymmetrical; for a while there will be considerable sameness, and then again great variety. His mode of expression naturally responding to his state of feeling, there will flow from his pen a composition changing to the same degree that the aspects of his subject change. He will thus without effort conform to what we have seen to be the laws of effect. And while his work presents to the reader that variety needful to prevent continuous exertion of the same faculties, it will also answer to the description of all highly-organized products, both of man and of nature: it will be, not a series of like parts simply placed in juxtaposition, but one whole made up of unlike parts that are mutually dependent.

## OVER-LEGISLATION.\*

FROM time to time there returns upon the cautious thinker, the conclusion that, considered simply as a question of probabilities, it is decidedly unlikely that his views upon any debatable topic are correct. "Here," he reflects, "are thousands around me holding on this or that point opinions differing from mine—wholly in most cases; partially in the rest. Each is as confident as I am of the truth of his convictions. Many of them are possessed of great intelligence; and, rank myself high as I may, I must admit that some are my equals—perhaps my superiors. Yet, while every one of us is sure he is right, unquestionably most of us are wrong. Why should not I be among the mistaken? True, I cannot realize the likelihood that I am so. But this proves nothing; for though the majority of us are necessarily in error, we all labour under the

\* Some of the illustrations used in this essay refer to laws and arrangements since changed; while many recent occurrences might now be cited in further aid of its argument. As, however, the reasoning is not affected by these changes; and as to keep it corrected to the facts of the day would involve perpetual alterations; it seems best to leave it substantially in its original state: or rather in the state in which it was republished in Mr. Chapman's "Library for the People."

inability to think we are in error. Is it not then foolish thus to trust myself? When I look back into the past, I find nations, sects, philosophers, cherishing beliefs in science, morals, politics, and religion, which we decisively reject. Yet they held them with a faith quite as strong as ours: nay—stronger, if their intolerance of dissent is any criterion. Of what little worth, therefore, seems this strength of my conviction that I am right! A like warrant has been felt by men all the world through; and, in nine cases out of ten, has proved a delusive warrant. Is it not then absurd in me to put so much faith in my judgments?"

Barren of practical results as this reflection at first sight appears, it may, and indeed should, influence some of our most important proceedings. Though in daily life we are constantly obliged to act out our inferences, trustless as they may be—though in the house, in the office, in the street, there hourly arise occasions on which we may not hesitate; seeing that if to act is dangerous, never to act at all is fatal—and though, consequently, on our private conduct, this abstract doubt as to the worth of our judgments, must remain inoperative; yet, in our public conduct, we may properly allow it to weigh with us. Here decision is no longer imperative; while the difficulty of deciding aright is incalculably greater. Clearly as we may think we see how a given measure will work, we may infer, drawing the above induction from human experience, that the chances are many against the truth of our anticipations. Whether in most cases it is not wiser to do nothing, becomes now a rational question.

Continuing his self-criticism, the cautious thinker may reason:—"If in these personal transactions, where all the conditions of the case were known to me, I have so often miscalculated, how much oftener shall I miscalculate in political ones, where the conditions are too numerous, too

wide-spread, too complex, too obscure to be understood. Here, doubtless, is a social evil and there a desideratum; and were I sure of doing no mischief I would forthwith try to cure the one and achieve the other. But when I remember how many of my private schemes have miscarried—how speculations have failed, agents proved dishonest, marriage been a disappointment—how I did but pauperize the relative I sought to help—how my carefully-governed son has turned out worse than most children—how the thing I desperately strove against as a misfortune did me immense good—how while the objects I ardently pursued brought me little happiness when gained, most of my pleasures have come from unexpected sources; when I recall these and hosts of like facts, I am struck with the utter incompetence of my intellect to prescribe for society. And as the evil is one under which society has not only lived but grown, while the desideratum is one it may spontaneously secure, as it has most others, in some unforeseen way, I question the propriety of meddling.”

There is a great want of this practical humility in our political conduct. Though we have less self-confidence than our ancestors, who did not hesitate to organize in law their judgments on all subjects whatever, we have yet far too much. Though we have ceased to assume the infallibility of our theological beliefs, and so ceased to enact them, we have not ceased to enact hosts of other beliefs of an equally doubtful kind. Though we no longer presume to coerce men for their *spiritual good*, we still think ourselves called upon to coerce them for their *material good*—not seeing that the one is as useless and as unwarrantable as the other. Innumerable failures seem, so far, powerless to teach this. Take up a daily paper and you will probably find a leader exposing the corruption, negligence, or mismanagement of some State-

department. Cast your eye down the next column, and it is not unlikely that you will read proposals for an extension of State-supervision. Yesterday came a charge gross carelessness against the Colonial office: to-day Admiralty bunglings are burlesqued: to-morrow brings the question—"Should there not be more coal-mine inspectors?" Now there is a complaint that the Board of Health is useless; and now an outcry for more railway regulation. While your ears are still ringing with denunciations of Chancery abuses, or your cheeks still glowing with indignation at some well-exposed iniquity of the Ecclesiastical Courts, you suddenly come upon suggestions for organizing "a priesthood of science." Here is a vehement condemnation of the police for stupidly allowing sight-seers to crush each other to death: you look for the corollary that official regulation is not to be trusted: when instead, apropos of a shipwreck, you read an urgent demand for government-inspectors to see that ships always have their boats ready for launching. Thus, while every day chronicles a failure, there every day reappears the belief that it needs but an Act of Parliament and a staff of officers, to effect any end desired. Nowhere is the perennial faith of mankind better seen. Ever since society existed Disappointment has been preaching—"Put not your trust in legislation;" and yet the trust in legislation seems scarcely diminished.

• Did the State fulfil efficiently its unquestionable duties, there would be some excuse for this eagerness to assign it further ones. Were there no complaints of its faulty administration of justice; of its endless delays and untold expenses; of its bringing ruin in place of restitution; of its playing the tyrant where it should have been the protector—did we never hear of its complicated stupidities; its 20,000 statutes, which it assumes all Englishmen to know, and which not one Englishman does know; its



multiplied forms, which, in the effort to meet every contingency, open far more loopholes than they provide against—had it not shown its folly in the system of making every petty alteration by a new act, variously affecting innumerable preceding acts; or in its score of successive sets of Chancery rules, which so modify, and limit, and extend, and abolish, and alter each other, that not even Chancery lawyers know what the rules are—were we never astounded by such a fact as that, under the system of land registration in Ireland, 6,000% have been spent in a “negative search” to establish the title of an estate—did we find in its doings no such terrible incongruity as the imprisonment of a hungry vagrant for stealing a turnip, while for the gigantic embezzlements of a railway director it inflicts no punishment;—had we, in short, proved its efficiency as judge and defender, instead of having found it treacherous, cruel, and anxiously to be shunned, there would be some encouragement to hope other benefits at its hands.

Or if, while failing in its judicial functions, the State had proved itself a capable agent in some other department—the military for example—there would have been some show of reason for extending its sphere of action. Suppose that it had rationally equipped its troops, instead of giving them cumbrous and ineffective muskets, barbarous grenadier caps, absurdly heavy knapsacks and cartouche-boxes, and clothing coloured so as admirably to help the enemy’s marksmen—suppose that it organized well and economically, instead of salarying an immense superfluity of officers, creating sinecure colonelcies of 4,000% a year, neglecting the meritorious, and promoting incapables—suppose that its soldiers were always well housed instead of being thrust into barracks that invalid hundreds, as at Aden, or that fall on their occupants, as at Loodianah, where ninety-five were thus killed—suppose

that, in actual war, it had shown due administrative ability, instead of occasionally leaving its regiments to march barefoot, to dress in patches, to capture their own engineering tools, and to fight on empty stomachs, as during the Peninsular campaign;—suppose all this, and the wish for more State-control might still have had some warrant.

Even though it had bungled in every thing else, yet had it in one case done well—had its naval management alone been efficient—the sanguine would have had a colourable excuse for expecting success in a new field. Grant that the reports about bad ships, ships that will not sail, ships that have to be lengthened, ships with unfit engines, ships that will not carry their guns, ships without stowage, and ships that have to be broken up, are all untrue—assume those to be mere slanderers who say that the *Megara* took double the time taken by a commercial steamer to reach the Cape; that during the same voyage the *Hydra* was three times on fire, and needed the pumps kept going day and night; that the *Charlotte* troop-ship set out with 75 days' provisions on board, and was three months in reaching her destination; that the *Harpy*, at an imminent risk of life, got home in 110 days from Rio—disregard as calumnies the statements about septuagenarian admirals, dilettante ship building, and “cooked” dockyard accounts—set down the affair of the Goldner preserved meats as a myth, and consider Professor Barlow mistaken when he reported of the Admiralty compasses in store, that “at least one-half were mere lumber;”—let all these, we say, be held groundless charges, and there would remain for the advocates of much government some basis for their political air-castles, spite of military and judicial mismanagement.

As it is, however, they seem to have read backwards the parable of the talents. Not to the agent of proved

efficiency do they consign further duties, but to the negligent and blundering agent. Private enterprise has done much, and done it well. Private enterprise has cleared, drained, and fertilized the country, and built the towns—has excavated mines, laid out roads, dug canals, and embanked railways—has invented, and brought to perfection, ploughs, looms, steam-engines, printing-presses, and machines innumerable—has built our ships, our vast manufactories, our docks—has established banks, insurance societies, and the newspaper press—has covered the sea with lines of steam-vessels, and the land with electric telegraphs. Private enterprise has brought agriculture, manufactures, and commerce to their present height, and is now developing them with increasing rapidity. Therefore, do not trust private enterprise. On the other hand, the State so fulfils its protective function as to ruin many, delude others, and frighten away those who most need succour; its national defences are so extravagantly and yet inefficiently administered, as to call forth almost daily complaint, expostulation, or ridicule; and as the nation's steward, it obtains from some of our vast public estates a minus revenue. Therefore, trust the State. Slight the good and faithful servant, and promote the unprofitable one from one talent to ten.

Seriously, the case, while it may not, in some respects, warrant this parallel, is, in one respect, even stronger. For the new work is not of the same order as the old, but of a more difficult order. Badly as government discharges its true duties, any other duties committed to it are likely to be still worse discharged. To guard its subjects against aggression, either individual or national, is a straightforward and tolerably simple matter; to regulate, directly or indirectly, the personal actions of those subjects is an infinitely complicated matter. It is one thing to secure to each man the unhindered power to pursue his own good; it is a

widely different thing to pursue the good for him. To do the first efficiently, the State has merely to look on while its citizens act; to forbid unfairness; to adjudicate when called on; and to enforce restitution for injuries. To do the last efficiently, it must become an ubiquitous worker—must know each man's needs better than he knows them himself—must, in short, possess superhuman power and intelligence. Even, therefore, had the State done well in its proper sphere, no sufficient warrant would have existed for extending that sphere; but seeing how ill it has discharged those simple offices which we cannot help consigning to it, small indeed is the probability of its discharging well offices of a more complicated nature.

Change the point of view however we may, and this conclusion still presents itself. If we define the primary State-duty to be, protecting each individual against others; then, all other State action comes under the definition of protecting each individual against himself—against his own stupidity, his own idleness, his own improvidence, rashness, or other defect—his own incapacity for doing something or other which should be done. There is no questioning this classification. For manifestly all the obstacles that lie between a man's desires and the satisfaction of them, are either obstacles arising from other men's counter desires, or obstacles arising from inability in himself. Such of these counter desires as are just, have as much claim to satisfaction as his; and may not, therefore, be thwarted. Such of them as are unjust, it is the State's duty to hold in check. The only other possible sphere for it, therefore, is saving the individual from the results of his own weakness, apathy, or foolishness—warding off the consequences of his nature; or, as we say—protecting him against himself. Making no comment, at present, on the policy of this, and confining ourselves solely to the practicability of it, let us inquire how

the proposal looks when reduced to its simplest form. Here are men endowed with instincts, and sentiments, and perceptions, all conspiring to self-preservation. Each of these faculties has some relationship, direct or indirect, to personal well-being. The due action of each brings its quantum of pleasure; the inaction, its more or less of pain. Those provided with these faculties in due proportions, prosper and multiply; those ill-provided, unceasingly tend to die out. And the general success of this scheme of human organization is seen in the fact, that under it the world has been peopled, and by it the complicated appliances and arrangements of civilized life have been developed.

It is complained, however, that there are certain directions in which this apparatus of motive works but imperfectly. While it is admitted that men are duly prompted by it to bodily sustenance, to the obtainment of clothing and shelter, to marriage and the care of offspring, and to the establishment of the more important industrial and commercial agencies; it is yet argued that there are many desiderata, as pure air, more knowledge, good water, safe travelling, and so forth, which it does not duly achieve. And these short-comings being assumed permanent, and not temporary, it is urged that some supplementary means must be employed. It is therefore proposed that out of the mass of men thus imperfectly endowed, a certain number, constituting the legislature, shall be instructed to secure these various objects. The legislators thus instructed (all characterized, on the average, by the same defects in this apparatus of motives as men in general), being unable personally to fulfil their tasks, must fulfil them by deputy—must appoint commissions, boards, councils, and staffs of officers; and must construct their agencies of this same defective humanity that acts so ill. Why now should this system of complex deputation succeed where the system

of simple deputation does not? The industrial, commercial, and philanthropic agencies, which citizens form spontaneously, are directly deputed agencies; these governmental agencies made by electing legislators who appoint officers, are indirectly deputed ones. And it is hoped that, by this process of double deputation, things may be achieved which the process of single deputation will not achieve. What, now, is the rationale of this hope? Is it that legislators, and their employes, are made to feel more intensely than the rest these evils they are to remedy, these wants they are to satisfy? Hardly; for by position they are mostly relieved from such evils and wants. Is it, then, that they are to have the primary motive replaced by a secondary motive—the fear of public displeasure, and ultimate removal from office? Why, scarcely; for the minor benefits which citizens will not organize to secure *directly*, they will not organize to secure *indirectly*, by turning out inefficient servants: especially if they cannot readily get efficient ones. Is it, then, that these State-agents are to do, from a sense of duty, what they would not do from any other motive? Evidently this is the only possibility remaining. The proposition on which the advocates of much government have to fall back, is, that things which the people will not unite to effect for personal benefit, a law-appointed portion of them will unite to effect for the benefit of the rest. Public men and functionaries love their neighbours better than themselves! The philanthropy of statesmen is stronger than the selfishness of citizens!

No wonder, then, that every-day adds to the list of legislative miscarriages. If colliery explosions increase, notwithstanding the appointment of coal-mine inspectors, why it is but a natural moral to these false hypotheses. If Sunderland shipowners complain that, as far as tried, "the Mercantile Marine Act has proved a total failure;"

and if, meanwhile, the other class affected by it—the sailors—show their disapprobation by extensive strikes; why it does but exemplify the folly of trusting a theorizing benevolence rather than an experienced self-interest. On all sides we may expect such facts; and on all sides we find them. Government, turning engineer, appoints its lieutenant, the Sewers' Commission, to drain London. Presently Lambeth sends deputations to say that it pays heavy rates, and gets no benefit. Tired of waiting, Bethnal-green calls meetings to consider "the most effectual means of extending the drainage of the district." From Wandsworth come complainants, who threaten to pay no more until something is done. Camberwell proposes to raise a subscription and do the work itself. Meanwhile, no progress is made towards the purification of the Thames; the weekly returns show an increasing rate of mortality; in Parliament, the friends of the Commission have nothing save good intentions to urge in mitigation of censure; and, at length, despairing ministers gladly seize an excuse for quietly shelving the Commission and its plans altogether.\* As architectural surveyor, the State has scarcely succeeded better than as engineer; witness the Metropolitan Buildings' Act. New houses still tumble down from time to time. A few months since two fell at Bayswater, and one more recently near the Pentonville Prison: all notwithstanding prescribed thicknesses, and noop iron band, and inspectors. It never struck those

\* So complete is the failure of this and other sanitary bodies, that, at the present moment (March, 1854), a number of philanthropic gentlemen are voluntarily organizing a "Health Fund for London," with the view of meeting the threatened invasion of the Cholera; and the plea for this *purely private enterprise*, is, that the Local Boards of Health and Boards of Guardians are inoperative, from "ignorance, 1st, of the extent of the danger; 2d, of the means which experience has discovered for meeting it; and 3d, of the comparative security which those means may produce."

who provided these delusive sureties, that it was possible to build walls without bonding the two surfaces together, so that the inner layer might be removed after the surveyor's approval. Nor did they foresee, that, in dictating a larger *quantity* of bricks than experience proved absolutely needful, they were simply insuring a slow deterioration of *quality* to an equivalent extent.\* The government guarantee for safe passenger ships answers no better than its guarantee for safe houses. Though the burning of the *Amazon* arose either from bad construction or bad stowage, she had received the Admiralty certificate before sailing. Notwithstanding official approval, the *Adelaide* was found, on her first voyage, to steer ill, to have useless pumps, ports that let floods of water into the cabins, and coals so near the furnaces that they twice caught fire. The *W. S. Lindsay*, which turned out unfit for sailing, had yet been passed by the government agent; and, but for the owner, might have gone to sea at a great risk of life. The *Melbourne*—originally a State-built ship—which took twenty-four days to reach Lisbon, and then needed to be docked to undergo a thorough repair, had been duly inspected. And lastly, the notorious *Australian*, before her third futile attempt to proceed on her voyage, had, her owners tell us, received “the full approbation of the government inspector.” Neither does the like supervision give security to land-travelling. The iron bridge at Chester, which, breaking, precipitated a train into the Dee, had passed under the official eye. Inspection did not prevent a column on the South-eastern from being so placed as to kill a man who put his head out of the carriage win-

\* The *Builder* remarks, that “the removal of the brick-duties has not yet produced that improvement in the make of bricks which we ought to find, . . . but as bad bricks can be obtained for less than good bricks, so long as houses built of the former will sell as readily as if the better had been used, no improvement is to be expected.”



dow. The locomotive that burst at Brighton lately, did so notwithstanding a State approval given but ten days previously. And—to look at the facts in the gross—this system of supervision has not prevented the gradual increase of railway accidents; which, be it remembered, has arisen *since* the system was commenced.

“Well, let the State fail. It can but do its best. If it succeed, so much the better: if it do not, where is the harm? Surely it is wiser to act, and take the chance of success, than to do nothing.” To this plea the rejoinder is, that unfortunately the results of legislative intervention are not only negatively bad, but often positively so. Acts of Parliament do not simply fail; they frequently make worse. The familiar truth that persecution aids rather than hinders proscribed doctrines—a truth lately afresh illustrated by the forbidden work of Gervinus—is a part of the general truth that legislation often does indirectly, the reverse of that which it directly aims to do. Thus has it been with the Metropolitan Buildings’ Act. As was lately agreed unanimously by the delegates from all the parishes in London, and as was stated by them to Sir\*William Molesworth, this act “has encouraged bad building, and has been the means of covering the suburbs of the metropolis with thousands of wretched hovels, which are a disgrace to a civilized country.”

Thus also has it been in provincial towns. The Nottingham Inclosure Act of 1845, by prescribing the structure of the houses to be built, and the extent of yard or garden to be allotted to each, has rendered it impossible to build working-class dwellings at such moderate rents as to compete with existing ones; it is estimated that, as a consequence of this, 10,000 of the population are debarred from the new homes they would otherwise have, and are forced to live crowded together in miserable places, unfit for human habitation; and so, in its anxiety to insure

healthy accommodation for artisans, the law has entailed on them still worse accommodation than before. Thus, too, has it been with the Passengers' Act. The terrible fevers which arose in the Australian emigrant ships a few months since, causing in the *Bourneuf* 83 deaths, in the *Wanota* 39 deaths, in the *Marco Polo* 53 deaths, and in the *Ticonderoga* 104 deaths, arose in vessels sent out by the government; and arose *in consequence* of the close packing which the Passengers' Act authorizes.\*

Thus moreover has it been with the safeguards provided by the Mercantile Marine Act. The examinations devised for insuring the efficiency of captains, have had the effect of certifying the superficially-clever and unpractised men, and, as we are told by a shipowner, rejecting many of the long-trying and most trustworthy: the general result being that *the ratio of shipwrecks has increased*. Thus also has it happened with Boards of Health, which have, in sundry cases, exacerbated the evils to be removed; as, for instance, at Croydon, where, according to the official report, the measures of the sanitary authorities produced an epidemic, which attacked 1,600 people, and killed 70. Thus again has it been with the Joint Stock Companies Registration Act. As was shown by Mr. James Wilson, in his late motion for a select committee on life-assurance associations, this measure, passed in 1844 to guard the public against bubble schemes, actually facilitated the rascalities of 1845 and subsequent years. The legislative sanction, devised as a guarantee of genuineness, and supposed by the people to be such, clever adventurers have without difficulty obtained for the most worthless projects; having obtained it, an amount of public confidence has followed which they could never otherwise

\* Against which close packing, by the way, a private mercantile body—the Liverpool Shipowners' Association—unavailingly protested when the Act was before Parliament.

have gained ; and in this way literally hundreds of sham enterprises, that would not else have seen the light, have been fostered into being ; and thousands of families have been ruined who would never have been so but for legislative efforts to make them more secure.

Moreover, when these topical remedies applied by statesmen do not exacerbate the evils they were meant to cure, they constantly—we believe invariably—induce collateral evils ; and these often graver than the original ones. It is the vice of this empirical school of politicians that they never look beyond proximate causes and immediate effects. In common with the uneducated masses they habitually regard each phenomenon as involving but one antecedent and one consequent. They do not bear in mind that each phenomenon is a link in an infinite series—is the result of myriads of preceding phenomena, and will have a share in producing myriads of succeeding ones. Hence they overlook the fact, that, in disturbing any natural chain of sequences, they are not only modifying the result next in succession, but all the future results into which this will enter as a part cause. The serial genesis of phenomena, and the interaction of each series upon every other series, produces a complexity utterly beyond human grasp. Even in the simplest cases this is so. A servant who mends the fire sees but few effects from the burning of a lump of coal. The man of science, however, knows that there are very many effects. He knows that the combustion establishes numerous atmospheric currents, and through them moves thousands of cubic feet of air inside the house and out. He knows that the heat diffused causes expansions and subsequent contractions of all bodies within its range. He knows that the persons warmed are affected in their rate of respiration and their waste of tissue ; and that these physiological changes must have various secondary results. He knows that,

could he trace to their ramified consequences all the forces disengaged, mechanical, chemical, thermal, electric—could he enumerate all the subsequent effects of the evaporation caused, the gases generated, the light evolved, the heat radiated; a volume would scarcely suffice to enter them.

If now from a simple inorganic change such complex results arise, how infinitely multiplied, how utterly incalculable must be the ultimate consequences of any force brought to bear upon society. Wonderfully constructed as it is—mutually dependent as are its members for the satisfaction of their wants—affected as each unit of it is by his fellows, not only as to his safety and prosperity, but in his health, his temper, his culture; the social organism cannot be dealt with in any one part, without all other parts being influenced in ways that cannot be foreseen. You put a duty on paper, and by-and-by find that, through the medium of the jacquard-cards employed, you have inadvertently taxed figured silk, sometimes to the extent of several shillings per piece. On removing the impost from bricks, you discover that its existence had increased the dangers of mining, by preventing shafts from being lined and workings from being tunnelled. By the excise on soap, you have, it turns out, greatly encouraged the use of caustic washing-powders; and so have unintentionally entailed an immense destruction of clothes. In every case you perceive, on careful inquiry, that besides acting upon that which you sought to act upon, you have acted upon many other things, and each of these again on many others; and so have propagated a multitude of changes more or less appreciable in all directions.

We need feel no surprise, then, that in their efforts to cure specific evils, legislators have continually caused collateral evils they never looked for. No Carlyle's wisest man, nor any body of such, could avoid causing them. Though their production is explicable enough after

it has occurred, it is never anticipated. When, under the New Poor-law, provision was made for the accommodation of vagrants in the Union-houses, it was hardly expected that a body of tramps would be thereby called into existence, who would spend their time in walking from Union to Union throughout the kingdom. It was little thought by those who in past generations assigned parish-pay for the maintenance of illegitimate children, that, as a result, a family of such would by-and-by be considered a small fortune, and the mother of them a desirable wife; nor did the same statesmen see, that, by the law of settlement, they were organizing a disastrous inequality of wages in different districts, and entailing a system of clearing away cottages, which would result in the crowding of bedrooms, and in a consequent moral and physical deterioration. The English tonnage law was enacted simply, with a view to regulate the mode of measurement: its framers overlooked the fact that they were practically providing "for the effectual and compulsory construction of bad ships;" and that "to cheat the law, that is, to build a tolerable ship in spite of it, was the highest achievement left to an English builder."\* Greater commercial security was alone aimed at by the partnership law. We now find, however, that the unlimited liability it insists upon is a serious hindrance to progress; it practically forbids the association of small capitalists; it is found a great obstacle to the building of improved dwellings for the people; it prevents a better relationship between artisans and employers; and by withholding from the working-classes good investments for their savings, it checks the growth of provident habits and encourages drunkenness. Thus on all sides are well-meant measures producing unforeseen

\* Lecture before the Royal Institution, by J. Scott Russell, Esq., "On Wave-line Ships and Yachts," Feb. 8, 1852.

mischiefs—a licensing law that promotes the adulteration of beer; a ticket-of-leave system that encourages men to commit crime; a police regulation that forces street-hucksters into the workhouse. And then, in addition to the obvious and proximate evils, come the remote and less distinguishable ones, which, could we estimate their accumulated result, we should probably find even more serious.

But the thing to be discussed is, not so much whether, by any amount of intelligence, it is *possible* for a government to work out the various ends consigned to it, as whether its fulfilment of them is *probable*. It is less a question of *can* than a question of *will*. Granting the absolute competence of the State, let us consider what hope there is of getting from it satisfactory performance. Let us look at the moving force by which the legislative machine is worked, and then inquire whether this force is thus employed as economically as it would otherwise be.

Manifestly, as desire of some kind is the invariable stimulus to action in the individual, every social agency, of what nature soever, must have some aggregate of desires for its motive power. Men in their collective capacity can exhibit no result but what has its origin in some appetite, feeling, or taste common among them. Did not they like meat, there could be no cattle-graziers, no Smithfield, no distributing organization of butchers. Operas, Philharmonic Societies, music-publishers, and street organ-boys, have all been called into being by our love of melodious sounds. Look through the trades' directory; take up a guide to the London sights; read the index of Bradshaw's time-tables, the reports of the learned societies, or the advertisement of new books; and you see in the publication itself, and in the things it describes, so many pro-

jects of human activity, stimulated by human desire. Under this stimulus grow up agencies alike the most gigantic and the most insignificant, the most complicated and the most simple—agencies for national defence and for the sweeping of crossings; for the daily distribution of letters, and for the collection of bits of coal out of the Thames mud—agencies that subserve all ends, from the preaching of Christianity to the protection of ill-treated animals; from the production of bread for a nation to the supply of groundsel for caged singing-birds. The accumulated desires of individuals being, then, the moving power by which every social agency is worked, the question to be considered is—Which is the most economical kind of agency? The agency having no power in itself, but being merely an instrument, our inquiry must be for the most efficient instrument—the instrument that costs least, and wastes the smallest amount of the moving power—the instrument least liable to get out of order, and most readily put right again when it goes wrong. Of the two kinds of social mechanism exemplified above, the spontaneous and the governmental, which is the best?

From the form of this question will be readily foreseen the intended answer—that is the best mechanism which contains the fewest parts. The common saying, “What you wish well done you must do yourself,” embodies a truth equally applicable to political as to private life. The experience of the agriculturist who finds that farming by bailiff entails loss, while tenant-farming pays, is an experience still better illustrated in national history than in a landlord’s account books. The admitted fact, that joint-stock companies are beaten wherever individuals compete with them, is a still more certain fact when the joint-stock company comprehends the whole nation. This transference of power from constituencies to members of parliament, from these to the executive, from the executive to a

board, from the board to its inspectors, and from inspectors through their subs down to the actual workers—this operating through a series of levers, each of which absorbs in friction and inertia part of the moving force; is as bad, in virtue of its complexity, as the direct employment by society of individuals, private companies, and spontaneously-formed institutions, is good, in virtue of its simplicity. Fully to realize the contrast, we must compare in detail the working of the two systems.

Officialism is habitually slow. When non-governmental agencies are dilatory, the public has its remedy: it ceases to employ them, and soon finds quicker ones. Under this discipline all private bodies are taught promptness. But for delays in State-departments there is no such easy cure. Life-long Chancery suits must be patiently borne; Museum-catalogues must be hopelessly waited for. While, by the people themselves, a Crystal Palace is designed, erected, and filled, in the course of a few months, the legislature takes twenty years to build itself a new house. While by private persons, the debates are daily printed and dispersed over the kingdom within a few hours of their utterance, the Board of Trade tables are regularly published a month, and sometimes more, after date. And so throughout. Here is a Board of Health which, since 1849, has been about to close the metropolitan graveyards, but has not done it yet; and which has so long dawdled over projects for cemeteries, that the London Necropolis Company has taken the matter out of its hands. Here is a patentee who has had fourteen years' correspondence with the Horse Guards, before getting a definite answer respecting the use of his improved boot for the Army. Here is a Plymouth port-admiral who delays sending out to look for the missing boats of the Amazon until ten days after the wreck.

Again, officialism is stupid. Under the natural course



of things each citizen tends towards his fittest function. Those who are competent to the kind of work they undertake, succeed, and, in the average of cases, are advanced\* in proportion to their efficiency; while the incompetent, society soon finds out, ceases to employ, forces to try something easier, and eventually turns to use. But it is quite otherwise in State-organizations. Here, as every one knows, birth, age, back-stairs intrigue, and sycophancy, determine the selections, rather than merit. The "fool of the family" readily finds a place in the Church, if "the family" have good connections. A youth, too ill-educated for any active profession, does very well for an officer in the Army. Gray hair, or a title, is a far better guarantee of naval promotion than genius is. Nay, indeed, the man of capacity often finds that, in government offices, superiority is a hindrance—that his chiefs hate to be pestered with his proposed improvements, and are offended by his implied criticism. Not only, therefore, is legislative machinery complex, but it is made of inferior materials. Hence the blunders we daily read of—the supplying to the dockyards from the royal forests of timber unfit for use; the administration of relief during the Irish famine in such a manner as to draw labourers from the field, and diminish the subsequent harvest by one-fourth;\* the filing of patents at three different offices and keeping an index at none; the building of iron, war-vessels that should be of wood, and the insisting on wood, for mail-steamer<sup>s</sup> that should be of iron. Everywhere does this bungling show itself, from the elaborate failure of House of Commons ventilation down to the publication of the London Gazette, which invariably comes out wrongly folded.

A further characteristic of officialism is its extravagance. In its chief departments, Army, Navy, and Church,

\* See Evidence of Major Larcom.

it employs far more officers than are needful, and pays some of the useless ones exorbitantly. The work done by the Sewers Commission has cost, as Sir B. Hall tells us, from 300 to 400 per cent. over the contemplated outlay; while the management charges have reached 35, 40, and 45 per cent. on the expenditure. The trustees of Ramsgate Harbour—a harbour, by the way, that has taken a century to complete—are spending 18,000*l.* a year in doing what 5,000*l.* has been proved sufficient for. The Board of Health is causing new surveys to be made of all the towns under its control—a proceeding which, as Mr. Stephenson states, and as every tyro in engineering knows, is, for drainage purposes, a wholly needless expense. These public agencies are subject to no such influence as that which obliges private enterprise to be economical. Traders and mercantile bodies succeed by serving society cheaply. Such of them as cannot do this are continually supplanted by those who can. They cannot saddle the nation with the results of their extravagance, and so are prevented from being extravagant. On works that are to return a profit it does not answer to spend 48 per cent. of the capital in superintendence, as in the engineering department of the Indian Government; and Indian railway companies, knowing this, manage to keep their superintendence charges within 8 per cent. A shopkeeper leaves out of his accounts no item analagous to that 6,000,000*l.* of its revenues, which Parliament allows to be deducted on the way to the Exchequer. Walk through a manufactory, and you see that the stern alternatives, carefulness or ruin, dictate the saving of every penny; visit one of the national dockyards, and the comments you make on any glaring wastefulness are carelessly met by the slang phrase—“Nunky pays.” \* \*

The unadaptiveness of officialism is another of its vices. Unlike private enterprise which quickly modifies its action

to meet emergencies—unlike the shopkeeper who promptly finds the wherewith to satisfy a sudden demand—unlike the railway company which doubles its trains to carry a special influx of passengers; the law-made instrumentality lumbers on under all varieties of circumstances through its ordained routine at its habitual rate. By its very nature it is fitted only for the average requirements, and inevitably fails under unusual requirements. You cannot step into the street without having the contrast thrust upon you. Is it summer? You see the water-carts going their prescribed rounds with scarcely any regard to the needs of the weather—to-day sprinkling afresh the already moist roads; to-morrow bestowing their showers with no greater liberality upon roads cloudy with dust. Is it winter? You see the scavengers do not vary in number and activity according to the quantity of mud; and if there comes a heavy fall of snow, you find the thoroughfares remaining for nearly a week in a scarcely passable state, without an effort being made even in the heart of London to meet the exigency. The late snow-storm, indeed, supplied a neat antithesis between the two orders of agency in the effects it respectively produced upon omnibuses and cabs. Not being under a law-fixed tariff, the omnibuses put on extra horses and raised their fares. The cabs, on the contrary, being limited in their charges by an Act of Parliament which, with the usual shortsightedness, never contemplated such a contingency as this, declined to ply, deserted the stands and the stations, left luckless travellers to stumble home with their luggage as best they might, and so became useless at the very time of all others when they were most wanted! Not only by its unsusceptibility of adjustment does officialism entail serious inconveniences, but it likewise entails great injustices. In this case of cabs for example, it has resulted since the late change of law, that old cabs, which were before saleable

at 10% and 12% each, are now unsaleable and have to be broken up; and thus legislation has robbed cab-proprietors of part of their capital. Again, the recently-passed Smoke-Bill for London, which applies only within certain prescribed limits, has the effect of taxing one manufacturer while leaving untaxed his competitor working within a quarter of a mile; and so, as we are credibly informed, gives one advantage of 1,500% a year over another. These typify the infinity of wrongs, varying in degrees of hardship, which legal regulations necessarily involve. Society, a living, growing organism, placed within apparatuses of dead, rigid, mechanical formulas, cannot fail to be hampered and pinched. The only agencies which can efficiently serve it, are those through which its pulsations hourly flow, and which change as it changes.

How invariably officialism becomes corrupt every one knows. Exposed to no such antiseptic as free competition—not dependent for existence, as private unendowed organizations are, upon the maintenance of a vigorous vitality; all law-made agencies fall into an inert, over-fed state, from which to disease is a short step. Salaries flow in irrespective of the activity with which duty is performed; continue after duty wholly ceases; become rich prizes for the idle well born; and prompt to perjury, to bribery, to simony. East India directors are elected not for any administrative capacity they may have; but they buy votes by promised patronage—a patronage alike asked and given, in utter disregard of the welfare of a hundred millions of people. Registrars of wills not only get many thousands a year each for doing work which their miserably paid deputies leave half done; but they, in some cases, defraud the revenue, and that after repeated reprimands. Doekyard promotion is the result not of efficient services, but of political favouritism. That they may continue to hold rich livings, clergymen preach what they do not

believe; bishops make false returns of their revenues; and at their elections to college-fellowships, well-to-do priests make oath that they are *pauper, pius et doctus*. From the local inspector whose eyes are shut to an abuse by a contractor's present, up to the prime minister who finds lucrative berths for his relations, this venality is daily illustrated; and that in spite of public reprobation and perpetual attempts to prevent it. As we once heard said by a State-official of twenty-five years' standing—"Wherever there is government there is villainy." It is the inevitable result of destroying the direct connection between the profit obtained and the work performed. No incompetent person hopes, by offering a *douceur* in the *Times*, to get a permanent place in a mercantile office. But where, as under government, there is no employer's self-interest to forbid—where the appointment is made by some one on whom inefficiency entails no loss; there a *douceur* is operative. In hospitals, in public charities, in literary funds, in endowed schools, in all social agencies in which duty done and income gained do not go hand in hand, the like corruption is found; and is great in proportion as the dependence of income upon duty is remote. In State-organizations, therefore, corruption is unavoidable. In trading organizations it rarely makes its appearance; and when it does, the instinct of self-preservation soon provides a remedy.

To all which broad contrasts add this, that while private bodies are enterprising and progressive, public bodies are unchanging, and, indeed, obstructive. That officialism should be inventive nobody expects. That it should go out of its easy mechanical routine to introduce improvements, and this at a considerable expense of thought and application, without the prospect of profit, is not to be supposed. But it is not simply stationary; it strenuously resists every amendment either in itself or in any thing

with which it deals. Until now that County Courts are taking away their practice, all officers of the law have doggedly opposed law reform. The universities have maintained an old *curriculum* for centuries after it ceased to be fit; and are now struggling to prevent a threatened reconstruction. Every postal improvement has been vehemently protested against by the postal authorities. Mr. Whiston can say how pertinacious is the conservatism of Church grammar-schools. Not even the gravest consequences in view preclude official resistance: witness the fact that though, as a while since mentioned, Professor Barlow reported in 1820, of the Admiralty compasses then in store, that "at least one-half were mere lumber," yet notwithstanding the constant risk of shipwrecks thence arising "very little amelioration in this state of things appears to have taken place until 1838 to 1849."\* Nor is official obstructiveness to be readily overborne even by a powerful public opinion: witness the fact that, though, for generations, nine-tenths of the nation have disapproved this ecclesiastical system which pampers the drones and starves the workers, and though commissions have been appointed to rectify it, it still remains substantially as it was: witness again the fact, that though since 1818, there have been a score attempts to rectify the scandalous maladministration of Charitable Trusts—though ten times in ten successive years, remedial measures have been brought before Parliament—the abuses still continue in all their grossness. Not only do these legal instrumentalities resist reforms in themselves, but they hinder reforms in other things. In defending their vested interests, the clergy delay the closing of town burial-grounds. As Mr. Lindsay can show, government emigration-agents are checking the use of iron for sailing-vessels. Excise officers prevent improve-

\* "Rudimentary Magnetism, by Sir W. Snow Harris. Part III., p. 145

ments in the processes they have to overlook. That organic conservatism which is visible in the daily conduct of all men, is an obstacle which in private life self-interest slowly overcomes. The prospect of profit does, in the end, teach farmers that deep draining is good; though it takes long to do this. Manufacturers do, ultimately, learn the most economical speed at which to work their steam-engines; though precedent has long misled them. But in the public service, where there is no self-interest to overcome it, this conservatism exerts its full force; and produces results alike disastrous and absurd. For generations after book-keeping had become universal, the Exchequer accounts were kept by notches cut on sticks. In the estimates for the current year appears the item, "Trimming the oil-lamps at the Horse-Guards."

Between these law-made agencies, and the spontaneously-formed ones, who then can hesitate? The one class are slow, stupid, extravagant, unadaptive, corrupt, and obstructive: can any point out in the other, vices that balance these? It is true that trade has its dishonesties, speculation its follies. These are evils inevitably entailed by the existing imperfections of humanity. It is equally true, however, that these imperfections of humanity are shared by State-functionaries; and that being unchecked in them by the same stern discipline, they grow to far worse results. Given a race of men having a certain proclivity to misconduct, and the question is, whether a society of these men shall be so organized that ill-conduct directly brings punishment, or whether it shall be so organized that punishment is but remotely contingent on ill-conduct? Which will be the most healthful community—that in which agents who perform their functions badly, immediately suffer by the withdrawal of public patronage; or that in which such agents can be made to suffer only through an apparatus of meetings, petitions,

polling booths, parliamentary divisions, cabinet-councils, and red-tape documents? Is it not an absurdly utopian hope that men will behave better when correction is far removed and uncertain than when it is near at hand and inevitable? Yet this is the hope which most political schemers unconsciously cherish. Listen to their plans, and you find that just what they propose to have done, they assume the appointed agents will do. That functionaries are trustworthy is their first postulate. Doubtless could good officers be ensured, much might be said for officialism; just as despotism would have its advantages could we ensure a good despot.

If, however, we would duly realize the contrast between the artificial and the natural modes of achieving social desiderata, we must look not only at the vices of the one but at the virtues of the other. These are many and important. Consider first how immediately every private enterprise is dependent upon the need for it; and how impossible it is for it to continue if there be no need. Daily are new trades and new companies established. If they subserve some existing public want, they take root and grow. If they do not, they die of inanition. It needs no agitation, no act of Parliament, to put them down. As with all natural organizations, if there is no function for them, no nutriment comes to them, and they dwindle away. Moreover, not only do the new agencies disappear if they are superfluous, but the old ones cease to be when they have done their work. Unlike law-made instrumentalities—unlike Herald's Offices, which are maintained for ages after heraldry has lost all value—unlike Ecclesiastical Courts, which continue to flourish for generations after they have become an abomination; these private instrumentalities dissolve when they become needless. A widely-ramified coaching system ceases to exist as soon as a more efficient railway system comes into being. And



not simply does it cease to exist, and to abstract funds, but the materials of which it was made are absorbed and turned to use. Coachmen, guards, and the rest, are employed to profit elsewhere—do not continue for twenty years a burden, like the compensated officials of some abolished department of the State.

Consider again how necessarily these unordained agencies fit themselves to their work. It is a law of all organized things, that efficiency presupposes apprenticeship. Not only is it true that the young merchant must begin by carrying letters to the post, that the way to be a successful innkeeper is to commence as waiter—not only is it true that in the development of the intellect there must come first the perceptions of identity and duality, next of number, and that without these, arithmetic, algebra, and the infinitesimal calculus, remain impracticable; but it is true that there is no part of any organism whatever but begins in some very simple form with some insignificant function, and passes to its final stage through successive phases of complexity. Every heart is at first a mere pulsatile sac; every brain begins as a slight enlargement of the spinal cord. This law equally extends to the social organism. An instrumentality that is to work well must not be designed and suddenly put together by legislators, but must grow gradually from a germ; each successive addition must be tried and proved good by experience before another addition is made; and by this tentative process only, can an efficient instrumentality be produced. From a trustworthy man who receives deposits of money; insensibly grows up a vast banking system, with its notes, checks, bills, its complex transactions, and its Clearing-house. Pack-horses, then waggons, then coaches, then steam-carriages on common roads, and, finally, steam-carriages on roads made for them—such has been the slow genesis of our present means of communi-

cation. Not a trade in the directory but has formed itself an apparatus of manufacturers, brokers, travellers, and distributors, in so gradual a way that no one can trace the steps.

And so with organizations of another order. The Zoological Gardens, the largest and best thing of its kind in the world, began as the private collection of a few naturalists. The best working-class school known—that at Price's factory—commenced with half-a-dozen boys sitting among the candle-boxes, after hours, to teach themselves writing with worn-out pens. Mark, too, that as a consequence of their mode of growth, these spontaneous agencies expand to any extent required. The same stimulus which brought them into being makes them send their ramifications wherever they are needed. But supply does not thus readily follow demand in governmental agencies. Appoint a board and a staff, fix their duties, and let the apparatus have a generation or two to consolidate, and you cannot get it to fulfil larger requirements without some Act of parliament obtained only after long delay and difficulty.

Were there space, much more might be said upon the superiority of what naturalists would call the *exogenous* order of institutions over the *endogenous* one. But, from the point of view indicated, the further contrasts between their characteristics will be sufficiently visible.

Hence then the fact, that while the one order of means is ever failing, making worse, or producing more evils than it cures, the other order of means is ever succeeding, ever improving. Strong as it looks at the outset, State-agency perpetually disappoints every one. Puny as are its first stages, private effort daily achieves results that astound the world. It is not only that joint-stock companies do so much—it is not only that by them a whole kingdom is covered with railways in the same time that 't takes the Admiralty to build a hundred-gun ship; but

it is that law-made instrumentalities are outdone even by individuals. The often quoted contrast between the Academy whose forty members took fifty-six years to compile the French Dictionary, while Dr. Johnson alone compiled the English one in eight—a contrast still marked enough after making due set-off for the difference in the works—is by no means without a parallel. Sundry kindred facts may be cited. That great sanitary desideratum—the bringing of the New River to London—which the wealthiest corporation in the world attempted and failed, Sir Hugh Muddleton achieved single-handed. The first canal in England—a work of which government might have been thought the fit projector, and the only competent executor—was undertaken and finished as the private speculation of one man—the Duke of Bridgewater. By his own unaided exertions, William Smith completed that great achievement, the geological map of Great Britain; meanwhile, the Ordnance Survey—a very accurate and elaborate one, it is true—has already occupied a large staff for some two generations, and will not be completed before the lapse of another. Howard and the prisons of Europe; Bianconi and Irish travelling; Waghorn and the Overland route; Dargan and the Dublin Exhibition—do not these suggest startling contrasts? While private gentlemen like Mr. Denison, build model lodging-houses in which the deaths are greatly below the average, the State builds barracks in which the deaths are greatly above the average, even of the much-pitied town populations: barracks, which, though filled with picked men under medical supervision, show an annual mortality per thousand of 13·6, 17·9 and even 20·4; though among civilians of the same age in the same places, the mortality per thousand is but 11·9.\* While the State has laid out large sums, at

\* See "Statistical Reports on the Sickness, Mortality, and Invaliding amongst the Troops." 1853.

Parkhurst, in the effort to reform juvenile criminals, who are *not* reformed; Mr. Ellis takes fifteen of the worst young thieves in London—thieves considered by the police utterly irreclaimable—and reforms them all. Side by side with the Emigration Board, under whose management hundreds die of fever from close packing, and under whose licence sail vessels which, like the *Washington*, are the homes of fraud, brutality, tyranny, and obscenity, stands Mrs. Chisholm's Family Colonization Loan Society, which does not provide worse accommodation than ever before, but much better; which does not demoralize by promiscuous crowding, but improves by mild discipline; which does not pauperize by charity, but encourages providence; which does not increase our taxes, but is self-supporting. Here are lessons for the lovers of legislation. The State outdone by a working shoemaker! The State beaten by a woman!

Yet still stronger becomes this contrast between the results of public action and private action, when we remember that the one is constantly eked out by the other, even in doing the things unavoidably left to it. Passing over military and naval departments, in which much is done by contractors, and not by men receiving government pay—passing over the Church, which is constantly extended not by law but by voluntary effort—passing over the Universities, where all the efficient teaching is given not by the appointed officers but by private tutors; let us look at the mode in which our judicial system is worked. Lawyers perpetually tell us that codification is impossible; and there are many simple enough to believe them. Merely remarking, in passing, that what government and all its employes cannot do for the Acts of Parliament in general, was done for the 1,500 Customs acts in 1825 by the energy of one man—Mr. Deacon Hume—let us see how the absence of a digested system of law is made

good. In preparing themselves for the bar, and finally the bench, law students, by years of research, have to gain an acquaintance with this vast mass of unorganized legislation; and that organization which it is held impossible for the State to effect, it is held possible (sly sarcasm on the State!) for each student to effect for himself. Every judge can privately codify, though "united wisdom" cannot. But how is each judge enabled to codify? By the private enterprise of men who have prepared the way for him; by the partial codifications of Blackstone, Coke, and others; by the digests of Partnership Law, Bankruptcy Law, Law of Patents, Laws affecting Women, and the rest that daily issue from the press; by abstracts of cases, and volumes of reports—every one of them unofficial products. Sweep away all these fractional codifications made by individuals, and the State would be in utter ignorance of its own laws! Had not the bunglings of legislators been made good by private enterprise, the administration of justice would have been impossible!

Where, then, is the warrant for the constantly-proposed extensions of legislative action? If, as we have seen in a large class of cases, government measures do not remedy the evils they aim at; if, in another large class, they make these evils worse instead of remedying them; and if, in a third large class, while curing some evils they entail others, and often greater ones—if, as we lately saw, public action is continually outdone in efficiency by private action; and if, as just shown, private action is obliged to make up for the shortcomings of public action, even in fulfilling the vital functions of the State; what reason is there for wishing more public administrations? The advocates of such may claim credit for philanthropy, and for ingenuity, but not for wisdom; unless wisdom is shown by disregarding experience.

“Much of this argument is beside the question,” will rejoin our opponents. “The true point at issue is, not whether individuals and companies outdo the State when they come in competition with it, but whether there are not certain social wants which the State alone can satisfy. Admitting that private enterprise does much, and does it well, it is nevertheless true that we have daily thrust upon our notice many desiderata which it has not achieved, and is not achieving. In these cases its incompetency is obvious; and in these cases, therefore, it behooves the State to make up for its deficiencies: doing this, if not well, yet as well as it can.”

Not to fall back upon the many experiences already quoted, showing that the State is likely to do more harm than good in attempting this; nor to dwell upon the fact, that, in most of the alleged cases, the apparent insufficiency of private enterprise is a *result* of previous State-interferences, as may be conclusively shown; let us deal with the proposition on its own terms. Though there would have been no need for a Mercantile Marine Act to prevent the unseaworthiness of ships, and the ill-treatment of sailors, had there been no Navigation Laws to produce these; and though were all like cases of evils and shortcomings directly or indirectly produced by law, taken out of the category, there would probably remain but small basis for the plea above put; yet let it be granted that, every artificial obstacle being removed, there would still remain many desiderata unachieved, which there was no seeing how spontaneous effort could achieve. Let all this, we say, be granted; the propriety of legislative action may yet be rightly questioned.

For the said plea involves the quite unwarrantable assumption that social agencies will continue to work only as they are now working; and will produce no results but those they seem likely to produce. It is the habit of this

school of thinkers to make a limited human intelligence the measure of phenomena which it requires omniscience to grasp. That which it does not see the way to, it does not believe will take place. Though society has, generation after generation, been growing to developments which none foresaw, yet there is no practical belief in unforeseen developments in the future. The parliamentary debates constitute an elaborate balancing of probabilities, having for data things as they are. Meanwhile every day adds new elements to things as they are, and seemingly improbable results constantly occur. Who, a few years ago, expected that a Leicester-square refugee would shortly become Emperor of the French? Who looked for free trade from a landlords' ministry? Who dreamed that Irish over-population would spontaneously cure itself, as it is now doing? So far from social changes arising in likely ways, they almost always arise in ways that, to common sense, appear unlikely. A barber's shop was not a probable-looking place for the germination of the cotton manufacture. No one supposed that important agricultural improvements would come from a Leadenhall-street tradesman. A farmer would have been the last man thought of to bring to bear the screw propulsion of steamships. The invention of a new order of architecture we should have hoped from any one rather than a gardener. Yet while the most unexpected changes are daily wrought out in the strangest ways, legislation daily assumes that things will go, just as human foresight thinks they will go. Though by the trite exclamation—"What would our forefathers have said!" there is a constant acknowledgment of the fact, that wonderful results have been achieved in modes wholly unforeseen, yet there seems no belief that this will be again. Would it not be wise to admit such a probability into our politics? May we not rationally infer that, as in the past so in the future?

This strong faith in State-agencies is, however, accompanied by so weak a faith in natural agencies (the two being antagonistic), that, spite of past experience, it will by many be thought absurd to rest in the conviction, that existing social needs will be spontaneously met, though we cannot say how they will be met. Nevertheless, illustrations exactly to the point are now transpiring before their eyes. Instance the adulteration of food—a thing which law has unsuccessfully tried to stop time after time, and which yet there seemed no power but law competent to deal with. Law, however, having tried and failed, here steps in *The Lancet*, and, with a view to extend its circulation, begins publishing weekly analyses, and gives lists of honest and dishonest tradesmen. By-and-by we shall be having such lists published in other papers, as portions of these reports have been already. And when every retailer finds himself thus liable to have his sins told to all his customers, a considerable improvement may be expected. Who, now, would have looked for such a remedy as this?

Instance, again, the scarcely credible phenomenon lately witnessed in the midland counties. Every one has heard of the distress of the stockings—a chronic evil of some generation or two's standing. Repeated petitions have prayed Parliament for remedy; and legislation has made attempts, but without success. The disease seemed incurable. Two or three years since, however, the circular knitting machine was introduced—a machine immensely outstripping the old stocking-frame in productiveness, but which can make only the legs of stockings, not the feet. Doubtless, the Leicester and Nottingham artisans regarded this new engine with alarm, as one likely to intensify their miseries. On the contrary, it has wholly removed them. By cheapening production, it has so enormously increased consumption, that the old stocking-frames, which were



before too many by half for the work to be done, are now all employed in putting feet to the legs which new machines make. How insane would he have been thought who anticipated cure from such a cause! If from the unforeseen removal of evils we turn to the unforeseen achievement of desiderata, we find like cases. No one recognized in Oersted's electro-magnetic discovery the germ of a new agency for the catching of criminals and the facilitation of commerce. No one expected railways to become agents for the diffusion of cheap literature, as they now are. No one supposed when the Society of Arts was planning an international exhibition of manufactures, that the result would be a place for popular recreation and culture at Sydenham.

But there is yet a deeper reply to the appeals of impatient philanthropists. It is not simply that social vitality may be trusted by-and-by to fulfil each much-exaggerated requirement in some quiet spontaneous way—it is not simply that when thus naturally fulfilled it will be fulfilled efficiently, instead of being botched as when attempted artificially; but it is that until thus naturally fulfilled it ought not to be fulfilled at all. A startling paradox, this, to many; but one quite justifiable, as we hope shortly to show.

It was pointed out some distance back, that the force which produces and sets in motion every social mechanism—governmental, mercantile, or other—is some accumulation of personal desires. As there is no individual action without a desire, so, it was urged, there can be no social action without an aggregate desire. To which there here remains to add, that as it is a general law of the individual that the intenser desires—those corresponding to all-essential functions—are satisfied first, and if need be to the neglect of the weaker and less important ones; so, it must be a general law of society that the chief requi

sites of social life—those necessary to popular existence and multiplication—will, in the natural order of things, be observed before those of a less pressing kind. Having a common root in humanity, the two series of phenomena cannot fail to accord. As the private man first ensures himself food; then clothing and shelter; these being secured, takes a wife; and, if he can afford it, presently supplies himself with carpeted rooms and piano, and wines, hires servants, and gives dinner parties; so, in the evolution of society, we see first a combination for defence against enemies, and for the better pursuit of game; by-and-by come such political arrangements as are needed to maintain this combination; afterwards, under a demand for more food, more clothes, more houses, arises division of labour; and when satisfaction of the animal wants has been tolerably provided for, there slowly grow up science, and literature, and the arts. Is it not obvious that these successive evolutions occur in the order of their importance? Is it not obvious, that being each of them produced by an aggregate desire they *must* occur in the order of their importance, if it be a law of the individual that the strongest desires correspond to the most needful actions? Is it not, indeed, obvious that the order of relative importance will be more uniformly followed in social action than in individual action; seeing that the personal idiosyncrasies which disturb that order in the latter case are *averaged* in the former?

If any one does not see this, let him take up a book describing life at the gold-diggings. There he will find the whole process exhibited in little. He will read that as the diggers must eat, they are compelled to offer such prices for food, that it pays better to keep a store than to dig. As the store-keepers must get supplies, they will give enormous sums for carriage from the nearest town; and some men quickly seeing they can get rich at that,

make it their business. This brings drays and horses into demand; the high rates draw these from all quarters, and after them wheelwrights and harness-makers. Blacksmiths to sharpen pickaxes, doctors to cure fevers, get pay exorbitant in proportion to the need for them; and are so brought flocking in proportionate numbers. Presently commodities become scarce; more must be fetched from abroad; sailors must have increased wages to prevent them from deserting; this necessitates higher charges for freight; higher freights quickly bring more ships; and so there rapidly develops an organization for supplying goods from all parts of the world. Every phase of this evolution takes place in the order of its necessity; or as we say—in the order of the intensity of the desires subserved. Each man does that which he finds pays best; that which pays best is that for which other men will give most; that for which they will give most is that which, under the circumstances, they most desire. Hence the succession must be throughout from the more important to the less important. A requirement which at any period still remains unfulfilled, must be one for the fulfilment of which men will not pay so much as to make it worth any one's while to fulfil it—must be a *less* requirement than all the others for the fulfilment of which they will pay more; and must wait until other more needful things are done. Well, is it not clear that the same law holds good in every community? Will it not be true of the later phases of social evolution, as of the earlier, that when uncontrolled the smaller desiderata are postponed to the greater? No reasonable person can doubt it.

Hence, then, the justification of the seeming paradox, that until spontaneously fulfilled a public want should not be fulfilled at all. It must, on the average, result, in our complex state, as in simpler ones, that the thing left undone is a thing by doing which citizens cannot gain so

much as by doing other things—is therefore a thing which society does not want done so much as it wants these other things done; and the corollary is, that to effect a neglected thing by artificially employing citizens to do it, is to leave undone some more important thing which they would have been doing—is to sacrifice the greater requisite to the smaller.

“But,” it will perhaps be objected, “if the things done by a government, or at least by a representative government, are also done in obedience to some aggregate desire, why may we not look for this normal subordination of the more needful to the less needful in them too?” The reply is, that though they have a certain tendency to follow this order—though those primal desires for public defence and personal protection, out of which government originates, were satisfied through its instrumentality in proper succession—though possibly some other early and simple requirements may have been so too; yet, when the desires are not few, universal, and intense, but like those remaining to be satisfied in the latter stages of civilization, numerous, partial, and moderate, the judgment of a government is no longer to be trusted. To select out of an immense number of minor wants, physical, intellectual, and moral, felt in different degrees by different classes, and by a total mass varying in every case, the want that is most pressing, is a task which no legislature can accomplish. No man or men by inspecting society can *see* what it most needs; society must be left to *feel* what it most needs. The mode of solution must be experimental, not theoretical. When left, day after day, to experience evils and dissatisfactions of various kinds, affecting them in various degrees, citizens gradually acquire repugnance to these proportionate to their greatness, and corresponding desires to get rid of them, which are likely to end in the worst inconvenience being first re-

moved. And however irregular this process may be—and we admit that men's habits and prejudices produce many anomalies, or seeming anomalies, in it—it is a process far more trustworthy than are legislative judgments. For those who question this there are instances; and that the parallel may be the more conclusive, we will take a case in which the ruling power is deemed specially fit to decide; we refer to our means of communication.

Do those who maintain that railways would have been better laid out and constructed by government, hold that the order of importance would have been as uniformly followed as it has been by private enterprise? Under the stimulus of an enormous traffic—a traffic too great for the then existing means—the first line sprung up between Liverpool and Manchester. Next came the Grand Junction and the London and Birmingham; afterwards the Great Western, the South Western, the South Eastern, the Eastern Counties, the Midland. Since then subsidiary lines and branches have occupied our capitalists. As they were quite certain to do, companies made first the most needed, and therefore the best-paying lines; under the same impulse that a labourer chooses high wages in preference to low. That government would have adopted a better order can hardly be, for the best has been followed; but that it would have adopted a worse, all the evidence we have goes to show. In default of materials for a direct parallel, we might quote cases of injudicious road-making from India and the colonies. Or, as exemplifying State-efforts to facilitate communication, we might dwell on the fact, that while our rulers have sacrificed hundreds of lives and spent untold treasure in seeking a Northwest passage, which would be useless if found, they have left the exploration of the Isthmus of Panama, and the making railways and canals through it, to private companies. But, not to make much of this indirect evidence, we will content

ourselves with the one sample of a State-made channel for commerce, which we have at home—the Caledonian Canal. Up to the present time, this public work has cost upwards of 1,100,000*l.*; it has now been open for many years, and salaried emissaries have been constantly employed to get traffic for it; the results, as given in its forty-seventh annual report, issued in 1852, are—receipts during the year, 7,909*l.*; expenditure ditto, 9,231*l.*—loss, 1,352*l.* Has any such large investment been made with such a pitiful result by a private canal company?

And if a government is so bad a judge of the relative importance of social requirements, when these requirements are of *the same kind*, how worthless a judge must it be when they are of different kinds. If, where a fair share of intelligence might be expected to lead them right, legislators and their officers go so wrong, how terribly will they err where no amount of intelligence would suffice them—where they must daily decide among hosts of needs, bodily, intellectual, and moral, that admit of no direct comparison; and how disastrous must be the results if they act out their erroneous decisions. Should any one need this bringing home to him by an illustration, let him read the following extract from the last of the series of letters some time since published in the *Morning Chronicle*, on the state of agriculture in France. After expressing the opinion that French farming is some century behind English farming, the writer goes on to say:

“There are two causes principally chargeable with this. In the first place, strange as it may seem in a country in which two-thirds of the population are agriculturists, agriculture is a very unhonoured occupation. Develop in the slightest degree a Frenchman’s mental faculties, and he flies to a town as surely as steel filings fly to a loadstone. He has no rural tastes, no delight in rural habits. A French amateur farmer would indeed be a sight

to see. Again, this national tendency is directly encouraged by the centralizing system of government—by the multitude of officials, and by the payment of all functionaries. From all parts of France, men of great energy and resource struggle up, and fling themselves on the world of Paris. There they try to become great functionaries. Through every department of the eighty-four, men of less energy and resource struggle up to the *chef-lieu*—the provincial capital. There they try to become little functionaries. Go still lower—deal with a still smaller scale—and the result will be the same. As is the department to France, so is the *arrondissement* to the department, and the commune to the *arrondissement*. All who have, or think they have, heads on their shoulders, struggle into towns to fight for office. All who are, or are deemed by themselves or others, too stupid for any thing else, are left at home to till the fields, and breed the cattle, and prune the vines, as their ancestors did for generations before them. Thus there is actually no intelligence left in the country.\* The whole energy, and knowledge, and resource of the land are barreled up in the towns. You leave one city, and in many cases you will not meet an educated or cultivated individual until you arrive at another—all between is utter intellectual barrenness.”—*Morning Chronicle*, August, 1851.

To what end now is this constant abstraction of able men from rural districts? To the end that there may be enough functionaries to achieve those many desiderata which French governments have thought ought to be achieved—to provide amusements, to manage mines, to construct roads and bridges and erect numerous buildings—to print books, encourage the fine arts, control this trade, and inspect that manufacture—to do all the thousand-and-one things which the State does in France. That the army of officers needed for this may be maintained, agri-

culture must go unofficered. That certain social conveniences may be better secured, the chief social necessity is neglected. The very basis of the national life is sapped, to gain a few non-essential advantages. Said we not truly, then, that until a requirement is spontaneously fulfilled, it should not be fulfilled at all?

And here indeed we may recognize the close kinship between the fundamental fallacy involved in these State-meddlings and the fallacy lately exploded by the free-trade agitation. These various law-made instrumentalities for effecting ends that might otherwise not yet be effected, all embody a subtler form of the protectionist hypothesis. The same short-sightedness which, looking at commerce, prescribed bounties and restrictions, looking at social affairs in general, prescribes these multiplied administrations; and the same criticism applies alike to all its proceedings.

For was not the error that vitiated every law aiming at the artificial maintenance of a trade, substantially that which we have just been dwelling upon: namely, the overlooking the fact, that in setting people to do one thing, some other thing is necessarily left undone? The statesmen who thought it wise to protect home-made silks against French silks, did so under the impression that the manufacture thus secured constituted a pure gain to the nation. They did not reflect that the men employed in this manufacture would otherwise have been producing something else—a something else which, as they could produce it without legal help, they could more profitably produce. Landlords who have been so anxious to prevent foreign wheat from displacing their own wheat, have never duly realized the fact, that if their fields would not yield wheat so economically as to prevent the feared displacement, it simply proved that they were growing unfit



crops in place of fit crops ; and so working their land at a relative loss. In all cases where, by restrictive duties, a trade has been upheld that would otherwise not have existed, capital has been turned into a channel less productive than some other into which it would naturally have flowed. In the absence of these restrictions, the article made would have been fetched from some place where it was more cheaply made ; and in exchange for it we should have given some article in which aptitude and local circumstances enabled us to excel those with whom we thus exchanged. And so, to pursue certain State-patronized occupations, men have been drawn from more advantageous occupations.

Is it not, then, as above alleged, that the same oversight runs through all these interferences ; be they with commerce, or be they with other things ? Is it not that in employing people to achieve this or that desideratum, legislators have not perceived that they were thereby preventing the achievement of some other desideratum ? Has it not been constantly assumed that each proposed good would, if secured, be a pure good ; instead of being a good purchasable only by submission to some evil that would else have been remedied ? And may we not rationally believe that, as in trade, so in other things, labour will spontaneously find out, better than any government can find out for it, the things on which it may best expend itself ? Undoubtedly we may. Rightly regarded, the two propositions are identical. This division into commercial and non-commercial affairs is quite a superficial one. All the actions going on in society come under the generalization—human effort administering to human desire. Whether the administration be effected through a process of buying and selling, or whether in any other way, matters not so far as the general law of it is concerned. In all cases it will be true that the stronger

desires will get themselves satisfied before the weaker ones; and in all cases it will be true that to get satisfaction for the weaker ones before they would naturally have it, is to deny satisfaction to the stronger ones.

To the immense positive evils entailed by over-legislation have to be added the equally great negative evils—evils which, notwithstanding their greatness, are scarcely at all recognized, even by the far-seeing. \* It is not simply that the State does those things which it ought not to do, but that, *as an inevitable consequence*, it leaves undone those things which it ought to do. Time and human activity being limited, it necessarily follows that legislators' sins of *commission* entail corresponding sins of *omission*. The injury is unavoidably doubled. Mischievous meddling involves disastrous neglect; and until statesmen are ubiquitous and omnipotent, must ever do so. It is in the very nature of things that an agency employed for two purposes must fulfil both imperfectly; partly because while fulfilling the one it cannot be fulfilling the other, and partly because its adaptation to both ends implies incomplete fitness for either. As has been well said apropos of this point—"A blade which is designed both to shave and to carve, will certainly not shave so well as a razor or carve so well as a carving-knife. An academy of painting, which should also be a bank, would in all probability exhibit very bad pictures and discount very bad bills. A gas company, which should also be an infant-school society, would, we apprehend, light the streets ill, and teach the children ill."<sup>\*</sup>

And if an institution undertakes, not two functions, but a score—if a government, whose office it is to defend citizens against aggressors, foreign and domestic, engages

\* *Edinburgh Review*, April, 1839.

also to disseminate Christianity, to administer charity, to teach children their lessons, to adjust prices of food, to inspect coal-mines, to regulate railways, to superintend house-building, to arrange cab-fares, to look into people's stink-traps, to vaccinate their children, to send out emigrants, to prescribe hours of labour, to examine lodging-houses, to test the knowledge of mercantile captains, to provide public libraries, to read and authorize dramas, to inspect passenger-ships, to see that small dwellings are supplied with water, to regulate endless things from a banker's issues down to the boat-fares on the Serpentine—is it not manifest that its primary duty must be ill discharged in proportion to the multiplicity of affairs it busies itself with? Is it not manifest that its time and energies must be frittered away in schemes, and inquiries, and amendments, in proposals, and debates, and divisions, to the utter neglect of its essential office? And does not a glance over the debates make it manifest that this is the fact? and that, while parliament and public are alike occupied with these chimerical projects, these mischievous interferences, these utopian hopes, the one thing needful is left almost undone?

See here, then, the proximate cause of all our legal abominations. We drop the substance in our efforts to catch shadows. While our firesides, and clubs, and taverns are filled with talk about corn-law questions, and church questions, and education questions, and sanitary questions—all of them raised by over-legislation—the justice question gets scarcely any attention; and we daily submit to be oppressed, cheated, robbed. This institution, which should succour the man who has fallen among thieves, turns him over to solicitors, barristers, and a legion of law-officers; drains his purse for writs, briefs, affidavits, subpoenas, fees of all kinds and expenses innumerable; involves him in the intricacies of common courts

chancery courts, suits, counter-suits, and appeals; and often ruins where it should aid. Meanwhile, meetings are called, and leading articles written, and votes asked, and societies formed, and agitations carried on, not to rectify these gigantic evils, but partly to abolish our ancestors' mischievous meddlings, and partly to establish meddlings of our own. Is it not obvious that this fatal neglect is a result of this mistaken officiousness? Suppose that external and internal protection had been the sole recognized functions of the legislature. Is it conceivable that our administration of justice would have been as corrupt as now? Can any one believe that had parliamentary elections been habitually contested on questions of legal reform, our judicial system would still have been what Sir John Romilly calls it—"a technical system invented for the creation of costs"? Does any one suppose that, if the efficient defence of person and property had been the constant subject-matter of hustings pledges, we should yet be waylaid by a Chancery Court which has now more than two hundred millions of property in its clutches—which keeps suits pending fifty years, until all the funds are gone in fees—which swallows in costs two millions annually? Dare any one assert that had constituencies been always canvassed on principles of law-reform versus law-conservatism, Ecclesiastical Courts would have continued for centuries fattening on the goods of widows and orphans? The questions are next to absurd.

A child may see that with the general knowledge people have of legal corruptions and the universal detestation of legal atrocities, an end would long since have been put to them, had the administration of justice always been *the* political topic. Had not the public mind been constantly preoccupied, it could never have been tolerated that a man, neglecting to file an answer to a bill in due course, should be imprisoned fifteen years for contempt of court,

as Mr. James Taylor was. It would have been impossible that on the abolition of their sinecures the sworn-clerks should have been compensated by the continuance of their exorbitant incomes, not only till death, but for seven years after, at a total estimated cost of £700,000. Were the State confined to its defensive and judicial functions, not only the people but legislators themselves would agitate against abuses.\* The sphere of activity and the opportunities for distinction being narrowed, all the thought, and industry, and eloquence which members of Parliament now expend on countless impracticable schemes and countless artificial grievances, would be expended in rendering justice pure, certain, prompt, and cheap. The complicated follies of our legal verbiage, which the uninitiated cannot understand, and which the initiated interpret in various senses, would be quickly put an end to. We should no longer constantly hear of Acts of Parliament so bunglingly drawn up that it requires half a dozen actions and judges' decisions under them, before even lawyers can say how they apply. There would be no such stupidly-designed measures as the Railway Winding-up Act; which though passed in 1846 to close the accounts of the bubble schemes of the mania, leaves them still unsettled in 1854—which, even with funds in hand, withholds payment from creditors whose claims have been years since admitted. Lawyers would no longer be suffered to maintain and to complicate the present absurd system of land titles; which, besides the litigation and ruin it perpetually causes, lowers the value of estates, prevents the ready application of capital to them, checks the development of agriculture, and so, seriously hinders the improvement of the peasantry and the prosperity of the country. In short, the follies, terrors, and abominations which now environ law would cease; and that which men now shrink from as an enemy they would come to regard as what it purports to be—a friend.

• How vast then is the negative evil, which, in addition to the positive evils before enumerated, this meddling policy entails on us! How many are the grievances men bear, from which they would otherwise be free! Who is there that has not submitted to injuries rather than run the risk of heavy law-costs? Who is there that has not abandoned just claims rather than "throw good money after bad"? Who is there that has not paid unjust demands rather than withstand the threat of an action? Who is there that cannot point to property that has been alienated from his family from lack of funds, or courage to fight for it? Who is there that has not a relation ruined by a lawsuit? Who is there that does not know a lawyer who has grown rich on the hard earnings of the needy and the savings of the oppressed? Who is there that cannot name a once wealthy man who has been brought by legal iniquities to the workhouse or the lunatic asylum? Who is there that has not, within his own personal knowledge, evidence of the great extent to which the badness of our judicial system vitiates our whole social life: renders almost every family poorer than it would otherwise be; hampers almost every business transaction; inflicts daily anxieties on every trader? And all this continual loss of property, time, temper, comfort, men quietly submit to from being absorbed in the pursuit of impracticable schemes which eventually bring upon them other losses of kindred nature.

Nay, the case is even worse. It is distinctly provable that many of these evils, about which so great an outcry is raised, and to cure which special Acts of Parliament are so loudly invoked, are themselves *produced* by the disgraceful administration of our judicial system. For example, it is well known that the horrors out of which our sanitary agitators make political capital, are found in their greatest intensity on properties that have been for a genera-

tion in Chancery—are distinctly traceable to the ruin thus brought about; and would never have existed but for the infamous corruptions of law. Again, it has been clearly shown that the long-drawn miseries of Ireland, which have been the subject of endless legislation—of Coercion Bills, of Poor Laws, of Rates in Aid, of Drainage Bills, of tinkering without number—have been mainly produced by inequitable and-tenure and the complicated system of entail: a system which wrought such involvements as to prevent sales; which practically negatived all improvement; which brought landlords to the workhouse; and which required an Incumbered Estates Act to cut its gordian knots and render the proper cultivation of the soil possible.

Judicial negligence, too, is the main cause of railway accidents. If the State would duly fulfil its true function, by giving passengers an easy remedy for breach of contract when trains are behind time, it would do more to prevent accidents than can be done by the minutest inspection, or the most cunningly-devised regulations; for it is notorious that the majority of accidents are primarily caused by irregularity. In the case of bad house-building, also, it is obvious that a cheap, rigorous, and certain administration of justice, would make Building Acts needless. For is not the man who erects a house of bad materials ill put together, and, concealing these with papering and plaster, sells it as a substantial dwelling, guilty of fraud? And should not the law recognize this fraud as it does in the analogous case of an unsound horse? And if the legal remedy were easy, prompt, and sure, would builders be such fools as to continue transgressing? So is it in numerous other cases: the evils which men perpetually call upon the State to cure by superintendence, themselves arise from the non-performance of its original duty.

Observe then how this vicious policy complicates itself—how it acts and reacts, and multiplies its injuries. Not only does meddling legislation fail to cure the evils it aims at; not only does it make many evils worse; not only does it create new evils greater than the old; but while doing this it entails on men all the terrible oppressions, robberies, cruelties, ruin, that flow from the non-administration of justice: and not only to the positive evils does it add this vast negative one, but this again, by fostering many social abuses that would not else exist, furnishes occasions for more meddlings which again act and react in the same way. And thus as ever, “things bad begun make strong themselves by ill.”

After assigning reasons thus fundamental, for condemning all State-action save that which universal experience has proved to be absolutely needful, it would seem superfluous to assign subordinate ones. Were it called for, we might, taking for text Mr. Lindsay's work on “Navigation and Mercantile Marine Law,” say much upon the complexity to which this process of adding regulation to regulation—each necessitated by foregoing ones—ultimately leads: a complexity which, by the misunderstandings, delays, and disputes it entails, greatly hampers our social life. Something, too, might be added upon the perturbing effects of that “gross delusion,” as M. Guizot calls it, “a belief in the sovereign power of political machinery”—a delusion to which he partly ascribes, and, we believe, rightly so, the late revolution in France; and a delusion which is fostered by every new interference. But, passing over these, we would dwell for a short space upon the national enervation which this State-superintendence produces—an evil which, though secondary, is, so far from being subordinate, perhaps greater than any other.



The enthusiastic philanthropist, urgent for some act of parliament to remedy this evil or secure the other good, thinks it a very trivial and far-fetched objection that the people will be morally injured by doing things for them instead of leaving them to do things themselves. He vividly realizes the benefit he hopes to get achieved, which is a positive and readily imaginable thing: he does not realize the diffused, invisible, and slowly-accumulating effect wrought on the popular mind, and so does not believe in it; or, if he admits it, thinks it beneath consideration. Would he but remember, however, that all national character is gradually produced by the daily action of circumstances, of which each day's result seems so insignificant as not to be worth mentioning, he would see that what is trifling when viewed in its increments, may be formidable when viewed in its sum total. Or if he would go into the nursery, and watch how repeated actions—each of them apparently unimportant, create, in the end, a habit which will affect the whole future life; he would be reminded that, every influence brought to bear, on human nature tells, and if continued, tells seriously. The thoughtless mother who hourly yields to the requests—"Mamma, tie my pinafore," "Mamma, button my shoe," and the like, cannot be persuaded that each of these concessions is detrimental; but the wiser spectator sees that if this policy be long pursued, and be extended to other things, it will end in hopeless dependence. The teacher of the old school who showed his pupil the way out of every difficulty, did not perceive that he was generating an attitude of mind greatly militating against success in life. The modern instructor, however, induces his pupil to solve his difficulties himself; believes that in so doing he is preparing him to meet the difficulties which, when he goes into the world, there will be no one to help him through; and finds confirmation for this belief in the fact

that a great proportion of the most successful men are self-made.

Well, is it not obvious that this relationship between discipline and success holds good nationally? Are not nations made of men; and are not men subject to the same laws of modification in their adult as in their early years? Is it not true of the drunkard, that each carouse adds a thread to his bonds? of the trader, that each acquisition strengthens the wish for acquisitions? of the pauper, that the more you assist him the more he wants? of the busy man, that the more he has to do the more he can do? And does it not follow that if every individual is subject to this process of adaptation to conditions, a whole nation must be so—that just in proportion as its members are little helped by extraneous power they will become self-helping, and in proportion as they are much helped they will become helpless? What folly is it to ignore these results because they are not direct, and not immediately visible. Though slowly wrought out, they are inevitable. We can no more elude the laws of human development than we can elude the law of gravitation: and so long as they hold true must these effects occur.

If we are asked in what special directions this alleged helplessness, entailed by much State-superintendence, shows itself; we reply that it is seen in a retardation of all social growths requiring self-confidence in the people—in a timidity that fears all difficulties not before encountered—in a thoughtless contentment with things as they are. Let any one, after duly watching the rapid evolution going on in England, where men have been comparatively little helped by governments—or better still, after contemplating the unparalleled progress of the United States, which is peopled by self-made men, and the recent descendants of self-made men;—let such an one, we say, go on to the Continent, and consider the relatively slow

advance which things are there making; and the still slower advance they would make but for English enterprise. Let him go to Holland, and see that though the Dutch early showed themselves good mechanics, and have had abundant practice in hydraulics, Amsterdam has been without any due supply of water until now that works are being established by an English company. Let him go to Berlin, and there be told that, to give that city a water-supply such as London has had for generations, the project of an English firm is about to be executed by English capital, under English superintendence. Let him go to Paris, where he will find a similar lack, and a like remedy now under consideration. Let him go to Vienna, and learn that it, in common with other continental cities, is lighted by an English gas-company. Let him go on the Rhone, on the Loire, on the Danube, and discover that Englishmen established steam navigation on those rivers. Let him inquire concerning the railways in Italy, Spain, France, Sweden, Denmark, how many of them are English projects, how many have been largely helped by English capital, how many have been executed by English contractors, how many have had English engineers. Let him discover, too, as he will, that where railways have been government-made, as in Russia, the energy, the perseverance, and the practical talent developed in England and the United States have been called in to aid.

And then if these illustrations of the progressiveness of a self-dependent race, and the torpidity of paternally-governed ones, do not suffice him, he may read Mr. Laing's successive volumes of European travel, and there study the contrast in detail. What, now, is the cause of this contrast? In the order of nature, a capacity for self-help must in every case have been brought into existence by the practice of self-help; and, other things equal, a lack of this capacity must in every case have arisen from the

lack of demand for it. Do not these two antecedents and their two consequents agree with the facts as presented in England and Europe? Were not the inhabitants of the two, some centuries ago, much upon a par in point of enterprise? Were not the English even behind, in their manufactures, in their colonization, and in their commerce? Has not the immense relative change the English have undergone in this respect, been coincident with the great relative self-dependence they have been since habituated to? And is not this change proximately ascribable to this habitual self-dependence? Whoever doubts it, is asked to assign a more probable cause. Whoever admits it, must admit that the enervation of a people by perpetual State-aids is not a trifling consideration, but the most weighty consideration. A general arrest of national growth he will see to be an evil greater than any special benefits can compensate for. And, indeed, when, after contemplating this great fact, the overspreading of the Earth by the Anglo-Saxons, he remarks the absence of any parallel phenomenon exhibited by a continental race—when he reflects how this difference must depend chiefly on difference of character, and how such difference of character has been mainly produced by difference of discipline; he will perceive that the policy pursued in this matter may have a large share in determining a nation's ultimate fate.

We are not sanguine, however, that argument will change the convictions of those who put their trust in legislation. With men of a certain order of thought the foregoing reasons will have weight. With men of another order of thought they will have little or none: nor would any accumulation of such reasons affect them. The truth that experience teaches, has its limits. The experiences that will teach, must be experiences that can be appreciated; and experiences exceeding a certain degree of com-

plexity become inappreciable to the majority. It is thus with most social phenomena. If we remember that for these two thousand years and more, mankind have been making regulations for commerce, which have all along been strangling some trades, and killing others with kindness; and that though the proofs of this have been constantly before their eyes, they have only just discovered that they have been uniformly doing mischief;—if we remember that even now only a small portion of them see this; we are taught that perpetually-repeated and ever-accumulating experiences will fail to teach, until there exist the mental conditions required for the assimilation of them. Nay, when they are assimilated, it is very imperfectly. The truth they teach is only half understood, even by those supposed to understand it best. For example, Sir Robert Peel, in one of his last speeches, after describing the immensely-increased consumption consequent on free trade, goes on to say:

“If, then, you can only continue that consumption—if, *by your legislation*, under the favour of Providence, *you can maintain the demand for labour and make your trade and manufactures prosperous*, you are not only increasing the sum of human happiness, but are giving the agriculturists of this country the best chance of that increased demand which must contribute to their welfare.”—*Times* Feb. 22, 1850.

Thus the prosperity really due to the abandonment of all legislation, is ascribed to a particular kind of legislation. “*You can maintain the demand*,” he says; “*you can make trade and manufactures prosperous*,” whereas, the facts he quotes prove that they can do this only by doing nothing. The essential truth of the matter—that law had been doing immense harm, and that this prosperity resulted not from law, but from the absence of law—is missed; and his faith in legislation in general, which

should, by this experience, have been greatly shaken seemingly remains as strong as ever. Here, again, is the House of Lords, apparently not yet believing in the relationship of supply and demand, adopting within these few weeks, the standing order—

“That before the first reading of any bill for making any work in the construction of which compulsory power is sought to take thirty houses or more inhabited by the labouring classes in any one parish or place, the promoters be required to deposit in the office of the clerk of the parliament a statement of the number, description, and situation of the said houses, the number (so far as they can be estimated) of persons to be displaced, *and whether any and what provision is made in the bill for remedying the inconvenience likely to arise from such displacements.*”

If, then, in the comparatively simple relationships of trade, the teachings of experience remain for so many ages unperceived, and are so imperfectly apprehended when they are perceived, it is scarcely to be hoped that where all social phenomena—moral, intellectual, and physical—are involved, any due appreciation of the truths displayed will presently take place. The facts cannot yet get recognized as facts. As the alchemist attributed his successive disappointments to some disproportion in the ingredients, some impurity, or some too great temperature, and never to the futility of his process, or the impossibility of his aim; so, every failure cited to prove the impotence of State-regulations the law-worshipper explains away as being caused by this trifling oversight, or that little mistake: all which oversights and mistakes he assures you will in future be avoided. Eluding the facts as he does after this fashion, volley after volley of them produce no effect.

Indeed, this faith in governments is in a certain sense

organic; and can diminish only by being outgrown. A subtle form of fetishism, it is as natural to the present phase of human evolution as its grosser prototype was to an earlier phase. From the time when rulers were thought demi-gods, there has been a gradual decline in men's estimates of their power. This decline is still in progress, and has still far to go. Doubtless, every increment of evidence furthers it in *some* degree, though not to the degree that at first appears. Only in so far as it modifies character does it produce a permanent effect. For while the mental type remains the same, the removal of a special error is inevitably followed by the growth of other errors of the same genus. All superstitions die hard; and we fear that this belief in government-omnipotence will form no exception.

### III.

## THE MORALS OF TRADE.

WE are not about to repeat, under the above title, the often-told tale of adulterations: albeit, were it our object to deal with this familiar topic, there are not wanting fresh materials. It is rather the less-observed and less-known dishonesties of trade, to which we would here draw attention. The same lack of conscientiousness which shows itself in the mixing of starch with cocoa, in the dilution of butter with lard, in the colouring of confectionary with chromate of lead and arsenite of copper, must of course come out in more concealed forms; and these are nearly, if not quite, as numerous and as mischievous.

It is not true, as many suppose, that only the lower classes of the commercial world are guilty of fraudulent dealings: those above them are to a great extent blameworthy. On the average, men who deal in bales and tons differ but little in morality from men who deal in yards and pounds. Illicit practices, of every form and shade, from venial deception up to all but direct theft, may be brought home to the higher grades of our commercial world. Tricks innumerable, lies acted or uttered, elaborately-devised frauds, are prevalent—many of them estab-



lished as "customs of the trade;" nay, not only established but defended.

Passing over, then, the much-reprobated shopkeepers, of whose delinquencies most people know something, let us turn our attention to the delinquencies of the classes above them in the mercantile scale.

The business of wholesale houses—in the clothing-trades at least—is chiefly managed by a class of men called "buyers." Each wholesale establishment is usually divided into several departments; and at the head of each of these departments is placed one of these functionaries. A buyer is a partially-independent sub-trader. At the beginning of the year he is debited with a certain share of the capital of his employers. With this capital he trades. From the makers he orders for his department such goods as he thinks will find a market; and for the goods thus bought he obtains as large a sale as he can among the retailers of his connection. The accounts show at the end of the year, what profit has been made on the capital over which he has command; and according to the result, his engagement is continued, perhaps at an increased salary, or he is discharged.

Under such circumstances, bribery would hardly be expected. Yet we learn, on unquestionable authority, that buyers habitually bribe and are bribed. Giving presents, as a means of obtaining custom, is an established and understood practice between them and all with whom they have dealings. Their connection among retailers they extend by treating and favours; and they are themselves influenced in their purchases by like means. It might be presumed that self-interest would in both cases negative this. But apparently, no very obvious sacrifice results from yielding to such influences. When, as usually happens, there are many manufacturers producing articles

of like goodness at the same prices, or many buyers between whose commodities and whose terms there is little room for choice, there exists no motive to purchase of one rather than another; and then, the temptation to take some immediate bonus turns the scale. Whatever be the cause, however, the fact is testified to us alike in London and the provinces. By manufacturers, buyers are sumptuously entertained for days together, and are plied throughout the year with hampers of game, turkeys, dozens of wine, etc.; nay, they receive actual money-bribes: sometimes, as we hear from a manufacturer, in the shape of bank-notes; but more commonly in the shape of discounts on the amounts of their purchases.

The extreme prevalence—universality we might say—of this system, is proved by the evidence of one who, disgusted as he is, finds himself inextricably entangled in it. He confessed to us that all his transactions were thus tainted. "Each of the buyers with whom I deal," he said, "expects an occasional bonus in one form or other. Some require the bribe to be wrapped up; and some take it without disguise. To an offer of money, such an one replies—'Oh, I don't like that sort of thing;' but nevertheless, he does not object to money's-worth. While my friend So-and-so, who promises to bring me a large trade this season, will, I very well know, look for one per cent. discount in cash. The thing is not to be avoided. I could name sundry buyers who look askance at me, and never will inspect my goods; and I have no doubt about the cause—I have not bought their patronage." And then our informant appealed to another of the trade, who agreed in the assertion that in London, their business could not be done on any other terms. To such an extent is the system carried, and so greedy of perquisites do some of these buyers become, as to absorb a great part of the profits; and to make it a question whether it is worth while to

continue the connection. And then, as above hinted, there comes a like history of transactions between buyers and retailers—the bribed being now the briber. One of those above referred to as habitually expecting douceurs, said to the giver of them, whose testimony we have just repeated—“I’ve spent pounds and pounds over—— (naming a large tailor), and now I think I have gained him over.” To which confession this buyer added the complaint, that his house did not make him any allowance for sums thus disbursed.

Under the buyer, who has absolute control of his own department in a wholesale house, come a number of assistants, who transact the business with retail traders: much as retail traders’ assistants transact the business with the general public. These higher-class assistants, working under the same pressure as the lower, are similarly unscrupulous. Liable to prompt dismissal as they are for non-success in selling; gaining higher positions as they do in proportion to the quantities of goods they dispose of at profitable rates; and finding that no objections are made to any dishonest artifices they use, but rather that they are applauded for them; these young men display a scarcely credible demoralization. As we learn from those who have been of them, their duplicity is unceasing—they speak almost continuous falsehood; and their tricks range from the simplest to the most Machiavellian.

Take a few samples. When dealing with a retailer, it is an habitual practice to bear in mind the character of his business; and to delude him respecting articles of which he has the least experience. If his shop is in a neighbourhood where the sales are chiefly of inferior goods (a fact ascertained from the traveller), it is inferred that, having a comparatively small demand for superior goods, he is a bad judge of them; and advantage is taken of his ignorance. Again, it is usual purposely to present sam-

ples of cloths, silks, etc., in such order as to disqualify the perceptions. As when tasting different foods or wines, the palate is disabled by something strongly flavoured, from appreciating the more delicate flavour of another thing afterwards taken; so with the other organs of sense, a temporary disability follows an excessive stimulation. This holds not only with the eyes in judging of colours, but also, as we are told by one who has been in the trade, it holds with the fingers in judging of textures; and cunning salesmen are in the habit of thus partially paralyzing the customers' perceptions, and then selling second-rate articles as first-rate ones. Another common manœuvre is that of raising a false belief of cheapness. Suppose a tailor is laying in a stock of broad cloths. He is offered a bargain. Three pieces are put before him—two of good quality, at, perhaps, 14s. per yard; and one of much inferior quality, at 8s. per yard. These pieces have been purposely a little tumbled and creased, to give an apparent reason for a pretended sacrifice upon them. And the tailor is then told that he may have these nominally-damaged cloths as “a job lot,” at 12s. per yard. Misled by the appearances into a belief of the professed sacrifice; impressed, moreover, by the fact that two of the pieces are really worth considerably more than the price asked; and not sufficiently bearing in mind that the great inferiority of the third just balances this; the tailor probably buys: and he goes away with the comfortable conviction that he has made a specially-advantageous purchase, when he has really paid the full price for every yard. A still more subtle trick has been described to us by one who himself made use of it, when engaged in one of these wholesale-house—a trick so successful that he was often sent for to sell to customers who could be induced to buy by none other of the assistants, and who ever afterwards would buy only of him. His policy was to seem extremely

simple and honest, and during the first few purchases to exhibit his honesty by pointing out defects in the things he was selling; and then, having gained the customer's confidence, he proceeded to pass off upon him inferior goods at superior prices.

These are a few out of the various manoeuvres in constant practice. Of course there is a running accompaniment of falsehoods, uttered as well as acted. It is expected of the assistant that he will say whatever is needed to effect a sale. "Any fool can sell what is wanted," said a master-in reproaching a shopman for not having persuaded a customer to buy something quite unlike that which he asked for. And the unscrupulous mendacity thus required by employers, and encouraged by example, grows to a height of depravity that has been described to us in words too strong to be repeated. Our informant was obliged to relinquish his position in one of these establishments, because he could not lower himself to the required depth of degradation. "You don't lie as though you believe what you say," observed one of his fellow-assistants. And this was uttered as a reproach!

As those subordinates who have fewest qualms of conscience are those who succeed the best, are soonest promoted to more remunerative posts, and have therefore the greatest chances of establishing businesses of their own; it may be inferred that the morality of the heads of these establishments, is much on a par with that of their *employés*. The habitual mal-practices of wholesale-houses, confirm this inference. Not only, as we have just seen, are assistants under a pressure impelling them to deceive purchasers respecting the qualities of the goods they buy, but purchasers are also deceived in respect to the quantities; and that, not by an occasional unauthorized trick, but by an organized system, for which the firm itself is responsible. The general, and indeed almost universal

practice, is, to make up goods, or to have them made up, in lengths that are shorter than they profess to be. A piece of calico nominally thirty-six yards long, never measures more than thirty-one yards—is understood throughout the trade to measure only this. And the long-accumulating delinquencies which this custom indicates—the successive diminutions of length, each introduced by some adept in dishonesty, and then imitated by his competitors—are now being daily carried to a still greater extent, wherever they are not likely to be immediately detected. Articles that are sold in small bundles, knots, packets, or such forms as negative measurement at the time of sale, are habitually deficient in quantity. Silk-laces called six quarters, or fifty-four inches, really measure four quarters, or thirty-six inches. Tapes were originally sold in grosses containing twelve knots of twelve yards each; but these twelve-yard knots are now cut of all lengths, from eight yards down to five yards, and even less—the usual length being six yards. That is to say, the 144 yards which the gross once contained, has now in some cases dwindled down to 60 yards. In width, as well as in lengths, this deception is practised. French cotton-braid, for instance (French only in name), is made of different widths; which are respectively marked 5, 7, 9, 11, etc.: each figure indicating the number of threads of cotton which the width includes, or rather should include, but does not. For those which should be marked 5 are marked 7; and those which should be marked 7 are marked 9: out of three samples from different houses shown to us by our informant, only one contained the alleged number of threads. Fringe, again, which is sold wrapped on card, will often be found two inches wide at the end exposed to view, but will diminish to one inch at the end next the card; or perhaps the first twenty yards will be good, and all the rest, hidden under it, will be bad. These frauds are committed

unblushingly, and as a matter of business. We have our selves read in an agent's order-book, the details of an order, specifying the actual lengths of which the articles were to be cut, and the much greater lengths to be marked on the labels. And we have been told by a manufacturer who was required to make up tapes into lengths of fifteen yards, and label them as "warranted 18 yards," that when he did not label them falsely, his goods were sent back to him; and that the greatest concession he could obtain, was to be allowed to send them without labels.

It is not to be supposed that in their dealings with manufacturers, these wholesale-houses adopt a code of morals differing much from that which regulates their dealings with retailers. The facts prove it to be much the same. A buyer for instance (who exclusively conducts the purchases of a wholesale-house from manufacturers) will not unfrequently take from a first-class maker a small supply of some new fabric, on the pattern of which much time and money have been spent; and this new-pattern fabric he will put into the hands of another maker, to have copied in large quantities. Some buyers, again, give their orders verbally, that they may have the opportunity of afterwards repudiating them if they wish; and in a case narrated to us, where a manufacturer who had been thus deluded, wished on a subsequent occasion to guarantee himself by obtaining the buyer's signature to his order, he was refused it.

For other unjust acts of wholesale-houses, the heads of these establishments are, we presume, responsible. Small manufacturers working with insufficient capital, and in times of depression not having the wherewith to meet their engagements, are often obliged to become dependants on the wholesale-houses with which they deal; and are then cruelly taken advantage of. One who has thus

committed himself, has either to sell his accumulated stock at a great sacrifice—thirty to forty per cent. below its value—or else to mortgage it; and when the wholesale-house becomes the mortgagee, the manufacturer has little chance of escape. He is obliged to work at the wholesaler's terms; and ruin almost certainly follows. This is especially the case in the silk-hosiery business. As was said to us by one of the larger silk-hosierys, who had watched the destruction of many of his smaller brethren—"They may be spared for a while as a cat spares a mouse; but they are sure to be eaten up in the end." And we can the more readily credit this statement, from having found that a like policy is pursued by some provincial curriers in their dealings with small shoe-makers; and also by hop-merchants and maltsters in their dealings with small publicans. We read that in Hindostan, the ryots, when crops fall short, borrow from the Jews to buy seed; and once in their clutches are doomed. It seems that our commercial world can furnish parallels.

Of another class of wholesale-traders—those who supply grocers with foreign and colonial produce—we may say that though, in consequence of the nature of their business, their mal-practices are less numerous and multi-form, as well as less glaring, they are of much the same stamp as the foregoing. Unless it is to be supposed that sugar and spices are moral antiseptics as well as physical ones, it must be expected that wholesale dealers in them will transgress much as other wholesale dealers do, in those directions where the facilities are greatest. And the truth is, that both in the qualities and quantities of the articles they sell, they take advantage of the retailers. The descriptions they give of their commodities are habitually misrepresentations. Samples sent round to their customers are characterized as first-rate when they are really second-rate. The travellers are expected to en-



dorse these untrue statements. And unless the grocer has adequate keenness and extensive knowledge, he is more or less deceived. In some cases, indeed, no skill will save him. There are frauds that have grown up little by little into customs of the trade, which the retailer must submit to. In the purchase of sugar, for example, he is imposed on in respect alike of the goodness and the weight.

The history of the dishonesty is this: Originally the tare allowed by the merchant on each hogshead, was 14 per cent. of the gross weight. The actual weight of the wood of which the hogshead was made, was at that time about 12 per cent. of the gross weight. And thus the trade allowance left a profit of 2 per cent. to the buyer. Gradually, however, the hogshead has grown thicker and heavier; until now, instead of amounting to 12 per cent. of the gross weight, it amounts to 17 per cent. And as the allowance of 14 per cent. still continues, the result is that the retail grocer loses 3 per cent.: to the extent of 3 per cent. he buys wood in the place of sugar. In the quality of the sugar, he is deluded by the practice of giving him a sample only from the best part of the hogshead. During its voyage from Jamaica or elsewhere, the contents of a hogshead undergo a certain slow draining. The molasses, of which more or less is always present, filters from the uppermost part of the mass of sugar to the lowermost part; and this lowermost part, technically known as the "foot," is of darker colour and smaller value. The quantity of it contained in a hogshead, varies greatly; and the retailer, receiving a false sample, has to guess what the quantity of "foot" may be; and to his cost often underestimates it. As will be seen from the following letter, copied from the *Public Ledger* for the 20th Oct., 1858, these grievances, more severe even than we have represented them, are now exciting an agitation:

• “*To the Retail Grocers of the United Kingdom.*”

“Gentlemen,—The time has arrived for the trade at once to make a move for the revision of tares on all raw sugars. Facts prove the evil of the present system to be greatly on the increase. We submit a case as under, and only one out of twenty. On the 30th August, 1858, we bought 3 hogsheads of Barbados, mark TG

K

| Invoice Tares. |      |      |             | Re Tares.      |      |      |                   |
|----------------|------|------|-------------|----------------|------|------|-------------------|
| No.            | cwt. | qrs. | lb.         | No.            | cwt. | qrs. | lb.               |
| 1 . . .        | 1    | 2    | 14 6 drift. | 1 . . .        | 1    | 3    | 27                |
| 7 . . .        | 1    | 2    | 7           | 7 . . .        | 1    | 3    | 20                |
| 3 . . .        | 1    | 2    | 21          | 3 . . .        | 1    | 3    | 27                |
|                | 4    | 8    | 20          |                | 5    | 8    | 18                |
|                |      |      |             | Deduct . . . . | 4    | 3    | 20                |
|                |      |      |             |                |      |      | <i>s. £ s. d.</i> |
|                |      |      |             |                | 0    | 8    | 26 at 42 — 2 1 3  |

“We make a claim for £2 1s. 3d.; we are told by the wholesale grocer there is no redress.

“There is another evil which the retail grocer has to contend with, that is, the mode of sampling raw sugar: the foots are excluded from the merchants’ samples. Facts will prove that in thousands of hogsheads of Barbados this season there is an average of 5 cwt. of foots in each; we have turned out some with 10 cwt., which are at least 5s. per cwt. less value than sample, and in these cases we are told again there is no redress.

“These two causes are bringing hundreds of hard-working men to ruin, and will bring hundreds more unless the trade take it up, and we implore them to unite in obtaining so important a revision.

“We are, Gentlemen, your obedient servants,

“WALKER and STAINES.”

“Birmingham, October 19, 1858.”

A more subtle method of imposition remains to be added. It is the practice of sugar-refiners to put moist, crushed sugar into dried casks. During the time that elapses before one of these casks is opened by the retailer,

• The abuses described in this letter have now, we believe, been abolished

the desiccated wood has taken up the excess of water from the sugar; which is so brought again into good condition. When the retailer, however, finding that the cask weighs much more than was allowed as tare by the wholesale dealer, complains to him of this excess, the reply is—"Send it up\* to us, and we will *dry it* and weigh it, as is the custom of the trade."

Without further detailing these mal-practices, of which the above examples are perhaps the worst, we will advert only to one other point in the transactions of these large houses—the drawing-up of trade-circulars. It is the practice of many wholesalers to send round to their customers, periodic accounts of the past transactions, present condition, and prospects of the markets. Serving as checks on each other, as they do, these documents are prevented from swerving very widely from the truth. But it is scarcely to be expected that they should be quite honest. Those who issue them, being in most cases interested in the prices of the commodities referred to in their circulars, are swayed by their interests in the representations they make respecting the probabilities of the future. Far-seeing retailers are on their guard against this. A large provincial grocer, who thoroughly understands his business, said to us—"As a rule, I throw trade-circulars on the fire." And that this estimate of their trustworthiness is not unwarranted, we gather from the expressions of those engaged in other businesses. From two leather-dealers, one in the country and one in London, we have heard the same complaint against the circulars published by houses in their trade, that they are misleading. Not that they state untruths; but that they produce false impressions by leaving out facts which they should have stated.

In illustrating the morality of manufacturers, we shall confine ourselves to one class—those who work in silk.

And it will be the most convenient method of arranging facts, to follow the silk through its various stages; from its state when imported, to its state when ready for the wearer.

Bundles of raw silk from abroad—not uncommonly weighted with rubbish, stones, or rouleaux of Chinese copper coin, to the loss of the buyer—are disposed of by auction. Purchases are made on behalf of the silk-dealers by “sworn brokers;” and the regulation is, that these sworn brokers shall confine themselves solely to their functions as agents. From a silk-manufacturer, however, we learn that they are currently understood to be themselves speculators in silk, either directly or by proxy; and that as thus personally interested in prices, they become faulty as agents. We give this, however, simply as a prevailing opinion; for the truth of which we do not vouch.

The silk bought by the London dealer, he sends into the manufacturing districts to be “thrown;” that is, to be made into thread fit for weaving. In the established form of bargain between the silk-dealer and the silk-throwster, we have a strange instance of an organized and recognized deception; which has seemingly grown out of a check on a previous deception. The throwing of silk is necessarily accompanied by some waste; from broken ends, knots, and fibres too weak to wind. This waste varies in different kinds of silks from 3 per cent. to 20 per cent.: the average being about 5 per cent. The percentage of waste being thus variable, it is obvious that in the absence of restraint, a dishonest silk-throwster might abstract a portion of the silk; and on returning the rest to the dealer, might plead that the great diminution in the weight had resulted from the large amount of loss in the process of throwing. Hence there has arisen a system, called “working on cost,” which requires the throwster to send back to the dealer the same weight of silk which

he receives: the meaning of the phrase being, we presume, that whatever waste the throwster makes must be at his own cost. Now, as it is impossible to throw silk without *some* waste—at least 3 per cent., and ordinarily 5 per cent.—this arrangement necessitates a deception; if, indeed, that can be called a deception which is tacitly understood by all concerned. The silk has to be weighted. As much as is lost in throwing, has to be made up by some foreign substance introduced. • Soap is largely used for this. In small quantity, soap is requisite to facilitate the running of the threads in the process of manufacture; and the quantity is readily increased. Sugar also is used. And by one means or other, the threads are made to absorb enough matter to produce the desired weight. To this system all silk-throwsters are obliged to succumb; and some of them carry it to a great extent, as a means of hiding either carelessness or something worse.

The next stage through which silk passes, is that of dyeing. Here, too, impositions have grown chronic and general. In times past, as we learn from a ribbon-manufacturer, the weighting by water was the chief dishonesty; bundles returned from the dyer's, if not manifestly damp, still containing moisture enough to make up for a portion of the silk that had been kept back. And precautions had to be taken to escape losses thus entailed. Since then, however, there has arisen a method of deception which leaves this far behind—that of employing heavy dyes. The following details have been given us by a silk-throwster. It is now, he says, some five-and-thirty years since this method was commenced. Before that time, silk lost a considerable part of its weight in the copper. It appears that the ultimate fibre of silk is coated, in issuing from the spinneret of the silk-worm, with a film of varnish that is soluble in boiling water. In dyeing, therefore, this film, amounting to 25 per cent. of the entire weight of the silk,

is dissolved off; and the silk is rendered that much lighter. So that originally, for every sixteen ounces of silk sent to the dyer's, only twelve ounces were returned. Gradually, however, by the use of heavy dyes, this result has been reversed. The silk now gains in weight; and sometimes to a scarcely credible extent. According to the requirement, silk is sent back from the dyer's of any weight from twelve ounces to the pound, up to forty ounces to the pound. The original pound of silk, instead of losing four ounces, as it naturally would, is actually, when certain black dyes are used, made to gain as much as twenty-four ounces! Instead of 25 per cent. lighter, it is returned 150 per cent. heavier—is weighted with 175 per cent. of foreign matter! Now as, during this stage of its manufacture, the transactions in silk are carried on by weight, it is manifest that in the introduction and development of this system, we have a long history of frauds. At present all in the trade are aware of it, and on their guard against it. Like other modes of adulteration, in becoming established and universal, it has ceased to be profitable to any one. But it still serves to indicate the morals of those concerned.

The thrown and dyed silk passes into the hands of the weaver; and here again we come upon dishonesties. Manufacturers of figured silks, sin against their fellows by stealing their patterns. The laws that have been found necessary to prevent this species of piracy, show that it has been carried to a great extent. Even now it is not prevented. One who has himself suffered from it, tells us that manufacturers still get each other's designs by bribing the workmen. In their dealings with "buyers," too, some manufacturers resort to deceptions: perhaps tempted to do so by the desire to compensate themselves for the heavy tax paid in treating, etc. Certain goods that have already been seen and declined by other buyers, are brought before

a subsequent one with artfully-devised appearances of secrecy; accompanied by professions that these goods have been specially reserved for his inspection: a manoeuvre by which an unwary man is sometimes betrayed. That the process of production has its delusions, scarcely needs saying. In the ribbon-trade, for example, there is a practice called "top-ending;" that is, making the first three yards good, and the rest (which is covered when rolled up) of bad or loose texture—80 "shutes" to the inch instead of 108. And then there comes the issuing of imitations made of inferior materials—textile adulterations as we may call them. This practice of debasement, not an occasional but an established one, is carried to a surprising extent; and with surprising rapidity. Some new fabric, first sold at 7s. 6d. per yard, is supplanted by successive counterfeits; until at the end of eighteen months a semblance of it is selling at 4s. 3d. per yard. Nay, still greater depreciations of quality and price take place—from 10s. down to 3s., and even 2s. per yard. Until at length the badness of these spurious fabrics becomes so conspicuous, that they are unsaleable; and there ensues a reaction, ending either in the reintroduction of the original fabric, or in the production of some novelty to supply its place.

Among our notes of mal-practices in trade, retail, wholesale, and manufacturing, we have many others that must be passed over. We cannot here enlarge on the not uncommon trick of using false trade-marks; or imitating another maker's wrappers; and so deluding purchasers. We must be satisfied with simply referring to the doings of apparently reputable houses, which purchase goods known to be dishonestly obtained. And we are obliged to refrain from particularizing certain established arrangements, existing under cover of the highest respectability,

which seem intended to facilitate these nefarious transactions. The frauds we have detailed are but samples of a state of things which it would take a volume to describe in full.

The further instances of trading-immorality which it seems desirable here to give, are those which carry with them a certain excuse; showing as they do how insensibly, and almost irresistibly, men are thrust into vicious practices. Always, no doubt, some utterly unconscientious trader is the first to introduce a new form of fraud. He is by-and-by followed by others who wear their moral codes but loosely. The more upright traders are continually tempted to adopt this questionable device which those around them are adopting. The greater the number who yield, and the more general and familiar the device becomes, the more difficult is it for the remainder to stand out against it. The pressure of competition upon them, becomes more and more severe. They have to fight an unequal battle: debarred as they are from one of the sources of profit which their antagonists possess. And they are finally almost compelled to follow the lead of the rest. Take for example what has happened in the candle-trade. As all know, the commoner kinds of candles are sold in bunches, supposed to weigh a pound each. Originally, the nominal weight corresponded with the real weight. But at present the weight is habitually short, by an amount varying from half an ounce to two ounces—is sometimes depreciated  $12\frac{1}{2}$  per cent.

If, now, an honest chandler offers to supply a retailer at, say six shillings for the dozen pounds, the answer he receives is—"Oh, we get them for five-and-eightpence." "But mine," replies the chandler, "are of full weight; while these you buy at five-and-eightpence are not." "What does that matter to me?" the retailer rejoins—"a pound of candles is a pound of candles: my customers



buy them in the bunch, and won't know the difference between yours and another's." And the honest chandler, being everywhere met with this argument, finds that he must either make his pounds of short weight, or give up business. Take another case, which, like the last, we have direct from the mouth of one who has been obliged to succumb. It is that of a manufacturer of the elastic webbing, now extensively used in making boots, etc. From a London house with which he dealt largely, this manufacturer recently received a sample of webbing produced by some one else, accompanied by the question, "Can you make us this at — per yard?" (naming a price below that at which he had before supplied them); and hinting that if he could not do so, they must go elsewhere. On pulling to pieces the sample (which he showed to us), this manufacturer found that sundry of the threads which should have been of silk were of cotton. Indicating this fact to those who sent him the sample, he replied that if he made a like substitution, he could furnish the fabric at the price named; and the result was that he eventually did thus furnish it. He saw that if he did not do so, he must lose a considerable share of his trade. He saw further, that if he did not at once yield, he would have to yield in the end; for that other elastic-webbing-makers would one after another engage to produce this adulterated fabric at correspondingly diminished prices; and that when at length he stood alone in selling an apparently similar article at a higher price, his business would leave him. This manufacturer we have the best reason for knowing to be a man of fine moral nature, both generous and upright; and yet we here see him obliged, in a sense, to implicate himself in one of these processes of vitiation.

It is a startling assertion, but it is none the less a true one, that those who resist these corruptions, often do it at the risk of bankruptcy: sometimes the certainty of bank-

ruptcy. We do not say this simply as a manifest inference from the conditions, as above described; we say it on the warrant of instances that have been given to us. From one brought-up in his house, we have had the history of a draper, who, carrying his conscience into his shop, refused to commit the current frauds of the trade. He would not represent his goods as of better quality than they really were; he would not say that patterns were just out, when they had been issued the previous season; he would not warrant to wash well, colours which he knew to be fugitive. Refraining from these and the like mal-practices of his competitors; and, as a consequence, daily failing to sell various articles which his competitors would have sold by force of lying; his business was so unremunerative that he twice became bankrupt. And in the opinion of our informant, he inflicted more evil upon others by his bankruptcies, than he would have done by committing the usual trade-dishonesties.

See, then, how complicated the question becomes; and how difficult to estimate the trader's criminality. Often—generally indeed—he has to choose between two wrongs. He has tried to carry on his business with strict integrity. He has sold none but genuine articles; and has given full measure. Others in the same business adulterate or otherwise delude; and are so able to undersell him. His customers, not adequately appreciating the superiority in the quality or quantity of his goods, and attracted by the apparent cheapness at other shops, desert him. An inspection of his books proves the alarming fact, that his diminishing returns will soon be insufficient to meet his engagements, and provide for his increasing family. What then must he do? Must he continue his present course; stop payment; inflict heavy losses on his creditors; and with his wife and children turn out into the streets? Or must he follow the example of his competitors; use their

artifices; and give his customers the same apparent advantages? The last not only seems the least detrimental to himself, but also may be considered the least detrimental to others. Moreover, the like is done by men regarded as respectable. Why should he ruin himself and family in trying to be better than his neighbours? He will do as they do.

Such is the position of the trader; such is the reasoning by which he justifies himself; and it is hard to visit him with any thing like harsh condemnation. Of course this statement of his case is by no means universally true. There are businesses in which, competition being less active, the excuse for falling into corrupt practices does not hold; and here, indeed, we find corrupt practices much less prevalent. Many traders, too, have obtained connections which secure to them adequate returns without descending to small rogueries; and they have no defence if they thus degrade themselves. Moreover, there are the men—commonly not prompted by necessity, but by greed—who introduce these adulterations and petty frauds; and on these should descend unmitigated indignation: both as being themselves criminals without excuse, and as causing criminality in others. Leaving out, however, these comparatively small classes, we think that most traders by whom all the commoner businesses are carried on, must receive a much more qualified censure than they at first sight seem to deserve: forced to give way, as they are, by the alternative of ruin. On all sides we have met with the same conviction, that for those engaged in the ordinary trades, there are but two courses—either to adopt the practices of their competitors, or to give up business. Men in different occupations and in different places—men naturally conscientious, who manifestly chafed under the degradations they submitted to, have one and all expressed to us the sad belief, that it is impossible to carry on trade

with strict rectitude. Their concurrent opinion, independently given by each, is, that the scrupulously honest man must go the wall.

But that it has been during the past year frequently treated by the daily press, we might here enter at some length on the topic of banking-delinquencies. As it is, we may presume all to be familiar with the facts; and shall limit ourselves to making a few comments.

In the opinion of one whose means of judging have been second to those of few, the directors of joint-stock banks have rarely been guilty of direct dishonesty. Admitting notorious exceptions, the general fact appears to be, that directors have had no immediate interests in furthering these speculations which have proved so ruinous to depositors and shareholders; but have usually been among the greatest sufferers. Their fault has rather been the less flagitious, though still grave fault, of indifference to their responsibilities. Often with very inadequate knowledge, they have undertaken to trade with a vast amount of property belonging in great part to needy people. Instead of using as much care in the investment of this property as though it were their own, many of them have shown culpable recklessness: either themselves loaning capital without adequate guarantee, or else passively allowing their colleagues to do this. Sundry excuses may doubtless be made for them. The well-known defects of a corporate conscience, caused by divided responsibility, must be remembered in mitigation. And it may also be pleaded for such delinquents, that if shareholders, swayed by reverence for mere wealth and position, choose as directors, not the most intelligent, the most experienced, and those of longest-trying probity, but those of largest capital or highest rank, the blame must not be cast solely on the men so chosen; but must be shared by the men

who choose them : and further, must fall on the public as well as on shareholders ; seeing that this unwise selection of directors is in part determined by the known bias of depositors.

But after all allowances have been made, it must be admitted that these bank-administrators who risk the property of their clients by loaning it to speculators, are near akin in morality to the speculators themselves. As these speculators risk other men's money in undertakings which they hope will be profitable ; so do the directors who lend them the money. If these last plead that the money thus lent, is lent with the belief that it will be repaid with good interest ; the first may similarly plead that they expected their investment to return the borrowed capital along with a handsome profit. In each case the transaction is one of which the evil consequences, if they come, fall more largely on others than on the actors. And though it may be contended, on behalf of the director, that what he does is done chiefly for the benefit of his constituents, whereas the speculator has in view only his own benefit ; it may be replied that the director's blameworthiness is not the less because he took a rash step with a comparatively weak motive. The truth is, that when a bank-director lends the capital of shareholders to those to whom he would not lend his own capital, he is guilty of a breach of trust. In tracing the gradations of crime, we pass from direct robbery to robbery one, two, three, or more degrees removed. Though a man who speculates with other people's money, is not chargeable with direct robbery, he is chargeable with robbery one degree removed : he deliberately stakes his neighbour's property, intending to appropriate the gain, if any, and to let his neighbour suffer the loss, if any : his crime is that of contingent robbery. And hence any one who, standing like a bank-director in the position of trustee, puts the money

with which he is entrusted into a speculator's hands, must be called an accessory to contingent robbery.

If so grave a condemnation is to be passed on those who lend trust-money to speculators, as well as on the speculators who borrow it, what shall we say of the still more delinquent class who obtain loans by fraud—who not only pawn other men's property when obtained, but obtain it under false pretences? For how else than thus must we describe the doings of those who raise money by accommodation-bills? When A and B agree, the one to draw and the other to accept a bill of £1,000 for “value received;” while in truth there has been no sale of goods between them, or no value received; the transaction is not simply an embodied lie, but it becomes thereafter a living and active lie. Whoever discounts the bill, does so in the belief that B, having become possessed of £1,000 worth of goods, will, when the bill falls due, have either the £1,000 worth of goods or some equivalent, with which to meet it. Did he know that there were no such goods in the hands of either A or B, and no other property available for liquidating the bill, he would not discount it—he would not lend money to a man of straw without security.

The case is intrinsically the same as though A had taken to the bank a forged mortgage-deed, and obtained a loan upon it. Practically an accommodation-bill is a forgery. It is an error to suppose that forgery is limited to the production of documents that are *physically* false—that contain signatures or other symbols which are not what they appear to be: forgery, properly understood, equally includes the production of documents that are *morally* false. What constitutes the crime committed in forging a bank-note? Not the mere mechanical imitation. This is but a means to the end; and, taken alone, is no crime at all. The crime consists in deluding others into the acceptance of what seems to be a representative of so

much money, but which actually represents nothing. It matters not whether the delusion is effected by copying the forms of the letters and figures, as in a forged bank-note, or by copying the form of expression, as in an accommodation-bill. In either case a semblance of value is given to that which has no value; and it is in giving this false appearance of value that the crime consists. It is true that generally, the acceptor of an accommodation-bill hopes to be able to meet it when due. But if those who think this exonerates him, will remember the many cases in which, by the use of forged documents, men have obtained possession of moneys which they hoped presently to replace, and were nevertheless judged guilty of forgery; they will see that the plea is insufficient.

We contend, then, that the manufacturers of accommodation-bills should be classed as forgers. Whether, if the law so classed them, much good would result, we are not prepared to say. Several questions present themselves:—Whether such a change would cause inconvenience, by negating the many harmless transactions carried on under this fictitious form by solvent men? Whether making it penal to use the words “value received,” unless there *had* been valued received, would not simply originate an additional class of bills in which these words were omitted? Whether it would be an advantage if bills bore on their faces, proofs that they did or did not represent actual sales? Whether a restraint on undue credit would not result, when bankers and discounters saw that certain bills coming to them in the names of speculative or unsubstantial traders, were avowed accommodation-bills? But these are questions we need not go out of our way to discuss. We are here concerned only with the morality of the question.

Duly to estimate the greatness of the evils indicated, however, we must bear in mind both that the fraudulent

transactions thus entered into are numerous, and that each generally becomes the cause of many others. The original lie is commonly the parent of further lies, which again give rise to an increasing progeny; and so on for successive generations, multiplying as they descend. When A and B find their £1,000 bill about to fall due, and the expected proceeds of their speculation not forthcoming—when they find, as they often do, either that the investment has resulted in a loss instead of a gain; or that the time for realizing their hoped-for profits, has not yet come; or that the profits, if there are any, do not cover the extravagances of living which, in the mean time, they have sanguinely indulged in—when, in short, they find that the bill cannot be taken up; they resort to the expedient of manufacturing other bills with which to liquidate the first. And while they are about it, they usually think it will be as well to raise a somewhat larger sum than is required to meet their out-standing engagements. Unless it happens that great success enables them to redeem themselves, this proceeding is repeated, and again repeated. So long as there is no momentary crisis, it continues easy thus to keep afloat; and, indeed, the appearance of prosperity which is given by an extended circulation of bills in their names, bearing respectable indorsements, creates a confidence in them which renders the obtainment of credit easier than at first.

And where, as in some cases, this process is carried to the extent of employing men in different towns throughout the kingdom, and even in distant parts of the world, to accept bills, the appearances are still better kept up, and the bubble reaches a still greater development. As, however, all these transactions are carried on with borrowed capital, on which interest has to be paid; as, further, the maintenance of this organized fraud entails constant expenses, as well as occasional sacrifices; and



as it is in the very nature of the system to generate reckless speculation, the fabric of lies is almost certain ultimately to fall; and, in falling, to ruin or embarrass many others besides those who had given credit.

Nor does the evil end with the direct penalties from time to time inflicted on honest traders. There is also a grave indirect penalty which they suffer from the system. These forgers of credit are habitually instrumental in lowering prices below their natural level. To meet emergencies, they are obliged every now and then to sell goods at a loss: the alternative being immediate stoppage. Though with each such concern, this is but an occasional occurrence, yet, taking the whole number of them connected with any one business, it results that there are at all times some who are making sacrifices—at all times some who are unnaturally depressing the market. In short, the capital fraudulently obtained from some traders, is, in part, dissipated in rendering the business of other traders deficiently remunerative: often to their serious embarrassment.

If, however, the whole truth must be said, the condemnation visited on these commercial vampires is not to be confined wholly to them; but is in some degree deserved by a much more numerous class. Between the penniless schemer who obtains the use of capital by false pretences, and the upright trader who never contracts greater liabilities than his estate will liquidate, there lie all gradations. From businesses carried on entirely with other people's capital obtained by forgery, we pass to businesses in which there is a real capital of one-tenth, and a credit capital of nine-tenths; to other businesses in which the ratio of real to fictitious capital is somewhat greater; and so on until we reach the very extensive class of men who trade but a little beyond their means. By insensible steps we advance from the one extreme to the other; and

these most venial transgressors cannot be wholly absolved from the criminality which so clearly attaches to the rest.

To get more credit than would be given were the state of the business fully known, is in all cases the aim; and the cases in which this credit is partially unwarranted, differ only in degree from those in which it is wholly unwarranted. As most are beginning to see, the prevalence of this indirect dishonesty has not a little to do with our commercial disasters. Speaking broadly, the tendency is for every trader to hypothecate the capital of other traders, as well as his own. And when A has borrowed on the strength of B's credit; B on the strength of C's; and C on the strength of A's—when, throughout the trading world, each has made engagements which he can meet only by direct or indirect aid—when everybody is wanting help from some one else, to save him from falling; a crash is certain. The punishment of a general unconscientiousness may be postponed; but it is sure to come eventually.

The average commercial morality cannot, of course, be accurately depicted in so brief a space. On the one hand, we have been able to give but a few typical instances of the mal-practices by which trade is disgraced. On the other hand, we have been obliged to present these alone; unqualified by the large amount of honest dealing throughout which they are dispersed. While, by accumulating such evidences, the indictment might be made much heavier; by diluting them with the immense mass of equitable transactions daily carried on, the verdict would be greatly mitigated. After making all allowances, however, we fear that the state of things is very bad. And our impression on this point is due less to the particular facts above given, than to the general opinion ex-

pressed by our informants. On all sides we have found the result of long personal experience, to be the conviction that trade is essentially corrupt. In tones of disgust or discouragement, reprehension or derision, according to their several natures, men in business have one after another expressed or implied this belief. Omitting the highest mercantile classes, a few of the less common trades, and those exceptional cases where an entire command of the market has been obtained, the uniform testimony of competent judges is, that success is incompatible with strict integrity. To live in the commercial world it appears necessary to adopt its ethical code: neither exceeding nor falling short of it—neither being less honest nor more honest. Those who sink below its standard are expelled; while those who rise above it are either pulled down to it or ruined. As, in self-defence, the civilized man becomes savage among savages; so, it seems that in self-defence, the scrupulous trader is obliged to become as little scrupulous as his competitors. It has been said that the law of the animal creation is—"Eat and be eaten;" and of our trading community it may be similarly said that its law is—Cheat and be cheated. A system of keen competition, carried on, as it is, without adequate moral restraint, is very much a system of commercial cannibalism. Its alternatives are—Use the same weapons as your antagonists, or be conquered and devoured.

Of questions suggested by these facts, one of the most obvious is—Are not the prejudices that have ever been entertained against trade and traders, thus fully justified? do not these meannesses and dishonesties, and the moral degradation they imply, warrant the disrespect shown to men in business? A prompt affirmative answer will probably be looked for; but we very much doubt whether it should be given. We are rather of opinion that these delinquencies are products of the average English charac-

ter placed under special conditions. There is no good reason for assuming that the trading classes are intrinsically worse than other classes. Men taken at random from higher and lower ranks, would, most likely, if similarly circumstanced, do much the same. Indeed the mercantile world might readily recriminate. Is it a solicitor who comments on their misdoings? They may quickly silence him by referring to the countless dark stains on the reputation of his fraternity. Is it a barrister? His frequent practice of putting in pleas which he knows are not valid; and his established habit of taking fees for work that he does not perform; make his criticism somewhat suicidal. Does the condemnation come through the press? The condemned may remind those who write, of the fact that it is not quite honest to utter a positive verdict on a book merely glanced through, or to pen-glowing eulogies on the mediocre work of a friend while slighting the good one of an enemy; and may further ask whether those who, at the dictation of an employer, write what they disbelieve, are not guilty of the serious offence of adulterating public opinion.

Moreover, traders might contend that many of their delinquencies are thrust on them by the injustice of their customers. They, and especially drapers, might point to the fact that the habitual demand for an abatement of price, is made in utter disregard of their reasonable profits; and that to protect themselves against attempts to gain by their loss, they are obliged to name prices greater than those they intend to take. They might also urge that the strait to which they are often brought by the non-payment of accounts due from their wealthier customers, is itself a cause of their mal-practices: obliging them, as it does, to use all means, illegitimate as well as legitimate, for getting the wherewith to meet their engagements. In proof of the wrongs inflicted on them by the non-trading

classes, they might instance the well-known cases of large shopkeepers in the West-end, who have been either ruined by the unpunctuality of their customers, or have been obliged periodically to stop payment, as the only way of getting their bills settled. And then, after proving that those without excuse show this disregard of other men's claims, traders might ask whether they, who have the excuse of having to contend with a merciless competition, are alone to be blamed if they display a like disregard in other forms.

Nay, even to the guardians of social rectitude—members of the legislature—they might use the *tū quoque* argument: asking whether bribery of a customer's servant, is any worse than bribery of an elector? or whether the gaining of suffrages by clap-trap hustings-speeches, containing insincere professions adapted to the taste of the constituency, is not as bad as getting an order for goods by delusive representations respecting their quality? No; it seems probable that close inquiry would show few if any classes to be free from immoralities that are as great, *relatively to the temptations*, as these which we have been exposing. Of course they will not be so petty or so gross where the circumstances do not prompt pettiness or grossness; nor so constant and organized where the class-conditions have not tended to make them habitual. But, taken with these qualifications, we think that much might be said for the proposition that the trading classes, neither better nor worse intrinsically than other classes, are betrayed into their flagitious habits by external causes.

Another question, here naturally arising, is—Are not these evils growing worse? Many of the facts we have cited seem to imply that they are. And yet there are many other facts which point as distinctly the other way. In weighing the evidence, we must bear in mind,

that the much greater public attention at present paid to such matters, is itself a source of error—is apt to generate the belief that evils now becoming recognized, are evils that have recently arisen; when in truth they have merely been hitherto disregarded, or less regarded. It has been clearly thus with crime, with distress, with popular ignorance; and it is very probably thus with trading-dishonesties. As it is true of individual beings, that their height in the scale of creation may be measured by the degree of their self-consciousness; so, in a sense, it is true of societies. Advanced and highly-organized societies are distinguished from lower ones by the evolution of something that stands for a *social self-consciousness*—a consciousness in each citizen, of the state of the aggregate of citizens. Among ourselves there has, happily, been of late years a remarkable growth of this social self-consciousness; and we believe that to this is chiefly ascribable the impression, that commercial mal-practices are increasing.

Such facts as have come down to us respecting the trade of past times, confirm this view. In his “Complete English Tradesman,” Defoe mentions, among other manœuvres of retailers, the false lights which they introduced into their shops, for the purpose of giving delusive appearances to their goods. He comments on the “shop rhetoric,” the “flux of falsehoods,” which tradesmen habitually uttered to their customers; and quotes their defence as being that they could not live without lying. He says, too, that there was scarce a shopkeeper who had not a bag of spurious or debased coin, from which he gave change whenever he could; and that men, even the most honest, triumphed in their skill in getting rid of bad money. These facts show that the mercantile morals of that day were, at any rate, not better than ours; and if we call to mind the numerous Acts of Parliament passed in old times to prevent frauds of all kinds, we perceive

the like implication. As much may, indeed, be safely inferred from the general state of society.

When, reign after reign, governments debased the coinage, the moral tone of the middle classes could scarcely have been higher than now. Among generations whose sympathy with the claims of fellow-creatures was so weak, that the slave-trade was not only thought justifiable, but the initiator of it was rewarded by permission to record the feat in his coat of arms; it is hardly possible that men respected the claims of their fellow-citizens more than at present. Times characterized by an administration of justice so inefficient, that there were in London nests of criminals who defied the law, and on all high roads robbers who eluded it, cannot have been distinguished by just mercantile dealings. While, conversely, an age which, like ours, has seen so many equitable social changes thrust on the legislature by public opinion, is very unlikely to be an age in which the transactions between individuals have been growing more inequitable. Yet, on the other hand, it is undeniable that many of the dishonesties we have described are of modern origin. Not a few of them have become established during the last thirty years; and others are even now arising. How are the seeming contradictions to be reconciled?

We believe the reconciliation is not difficult. It lies in the fact that while the *great* and *direct* frauds have been diminishing, the *small* and *indirect* frauds have been increasing: alike in variety and in number. And this admission we take to be quite consistent with the opinion that the standard of commercial morals is higher than it was. For, if we omit, as excluded from the question, the penal restraints—religious and legal—and ask what is the ultimate moral restraint to the aggression of man on man; we find it to be—sympathy with the pain inflicted. Now

the keenness of the sympathy, depending on the vividness with which this pain is realized, varies with the conditions of the case. It may be active enough to check misdeeds which will cause great suffering; and yet not be active enough to check misdeeds which will cause but slight annoyance. While sufficiently acute to prevent a man from doing that which will entail immediate injury on a given person; it may not be sufficiently acute to prevent him from doing that which will entail remote injuries on unknown persons. And we find the facts to agree with this deduction, that the moral restraint varies according to the clearness with which the evil consequences are conceived. Many a one who would shrink from picking a pocket does not scruple to adulterate his goods; and he who never dreams of passing base coin, will yet be a party to joint-stock-bank deceptions. Hence, as we say, the multiplication of the more subtle and complex forms of fraud, is consistent with a general progress in morality; provided it is accompanied with a decrease in the grosser forms of fraud.

But the question which most concerns us is, not whether the morals of trade are better or worse than they have been? but rather—why are they so bad? Why in this civilized state of ours, is there so much that betrays the cunning selfishness of the savage? Why, after the careful inculcations of rectitude during education, comes there in after-life all this knavery? Why, in spite of all the exhortations to which the commercial classes listen every Sunday, do they next morning recommence their evil deeds? What is this so potent agency which almost neutralizes the discipline of education, of law, of religion? \*

Various subsidiary causes that might be assigned, must be passed over, that we may have space to deal with



the chief cause. In an exhaustive statement, something would have to be said on the credulity of consumers, which leads them to believe in representations of impossible advantages; and something, too, on their greediness, which, ever prompting them to look for more than they ought to get, encourages the sellers to offer delusive bargains. The increased difficulty of living consequent on growing pressure of population, might perhaps come in as a part cause; and that greater cost of bringing up a family, which results from the higher standard of education, might be added. But all these are relatively insignificant. The great inciter of these trading mal-practices is, intense desire for wealth. And if we ask—Why this intense desire? the reply is—It results from the *indiscriminate respect paid to wealth*.

To be distinguished from the common herd—to be somebody—to make a name, a position—this is the universal ambition; and to accumulate riches, is alike the surest and the easiest way of fulfilling this ambition. Very early in life all learn this. At school, the court paid to one whose parents have called in their carriage to see him, is conspicuous; while the poor boy, whose insufficient stock of clothes implies the small means of his family, soon has burnt into his memory the fact that poverty is contemptible. On entering the world, the lessons that may have been taught about the nobility of self-sacrifice, the reverence due to genius, the admirableness of high integrity, are quickly neutralized by experience: men's actions proving that these are not their standards of respect. It is soon perceived that while abundant outward marks of deference from fellow-citizens, may almost certainly be gained by directing every energy to the accumulation of property, they are but rarely to be gained in any other way; and that even in the few cases where they are otherwise gained, they are not given with entire unreserve; but

are commonly joined with a more or less manifest display of patronage. When, seeing this, the young man further sees that while the acquisition of property is quite possible with his mediocre endowments, the acquirement of distinction by brilliant discoveries, or heroic acts, or high achievements in art, implies faculties and feelings which he does not possess; it is not difficult to understand why he devotes himself heart and soul to business.

We do not mean to say that men act on the consciously reasoned-out conclusions thus indicated; but we mean that these conclusions are the unconsciously-formed products of their daily experience. From early childhood, the sayings and doings of all around them have generated the idea, that wealth and respectability are two sides of the same thing. This idea, growing with their growth, and strengthening with their strength, becomes at last almost what we may call an organic conviction. And this organic conviction it is, which prompts the expenditure of all their energies in money-making. We contend that the chief stimulus is not the desire for the wealth itself; but for the applause and position which the wealth brings. And in this belief, we find ourselves at one with various intelligent traders with whom we have talked on the matter.

It is incredible that men should make the sacrifices, mental and bodily, which they do, merely to get the material benefits which money purchases. Who would undertake an extra burden of business for the purpose of getting a cellar of choice wines for his own drinking? He who does it, does it that he may have choice wines to give his guests and gain their praises. What merchant would spend an additional hour at his office daily, merely that he might move into a larger house in a better quarter? In so far as health and comfort are concerned, he knows he will be a loser by the exchange; and would

never be induced to make it, were it not for the increased social consideration which the new house will bring him. Where is the man who would lie awake at nights devising means of increasing his income, in the hope of being able to provide his wife with a carriage, were the use of the carriage the sole consideration? It is because of the *éclat* which the carriage will give, that he enters on these additional anxieties. So manifest, so trite, indeed, are these truths, that we should be ashamed of insisting on them, did not our argument require it.

For if the desire for that homage which wealth brings, is the chief stimulus to these strivings after wealth; then is the giving of this homage (when given, as it is, with but little discrimination) the chief cause of the dishonesties into which these strivings betray mercantile men. When the shopkeeper, on the strength of a prosperous year and favourable prospects, has yielded to his wife's persuasions, and replaced the old furniture with new, at an outlay greater than his income covers—when, instead of the hoped-for increase, the next year brings a decrease in his returns—when he finds that his expenses are out-running his revenue; then does he fall under the strongest temptation to adopt some newly-introduced adulteration or other mal-practice. When, having by display gained a certain recognition, the wholesale trader begins to give dinners appropriate only to those of ten times his income, with other expensive entertainments to match—when, having for a time carried on this style at a cost greater than he can afford, he finds that he cannot discontinue it without giving up his position: then is he most strongly prompted to enter into larger transactions; to trade beyond his means; to seek undue credit; to get into that ever-complicating series of misdeeds, which ends in disgraceful bankruptcy. And if these are the facts—the undeniable facts—then is it an unavoidable conclusion that the blind

admiration which society gives to mere wealth, and the display of wealth, is the chief source of these multitudinous immoralities.

Yes, the evil is deeper than appears—draws its nutriment from far below the surface. This gigantic system of dishonesty, branching out into every conceivable form of fraud, has roots that run underneath our whole social fabric, and, sending fibres into every house, suck up strength from our daily sayings and doings. In every dining-room a rootlet finds food, when the conversation turns on So-and-so's successful speculations, his purchase of an estate, his probable worth—on this man's recent large legacy, and the other's advantageous match; for being thus talked about is one form of that tacit respect which men struggle for. Every drawing-room furnishes nourishment, in the admiration awarded to costliness—to silks that are "rich," that is, expensive; to dresses that contain an enormous quantity of material, that is, are expensive; to laces that are hand-made, that is, expensive; to diamonds that are rare, that is, expensive; to china that is old, that is, expensive. And from scores of small remarks and minutiae of behaviour, which, in all circles, hourly imply how completely the idea of respectability involves that of costly externals, there is drawn fresh pabulum.

We are all implicated. We all, whether with self-approbation or not, give expression to the established feeling. Even he who disapproves this feeling, finds himself unable to treat virtue in threadbare apparel with a cordiality as great as that which he would show to the same virtue endowed with prosperity. Scarcely a man is to be found who would not behave with more civility to a knave in broadcloth than to a knave in fustian. Though for the deference which they have shown to the vulgar rich, or the dishonestly successful, men afterwards com-

pound with their consciences by privately venting their contempt; yet when they again come face to face with these imposing externals covering worthlessness, they do as before. And so long as imposing worthlessness gets the visible marks of respect, while the disrespect felt for it is hidden, it naturally flourishes.

Hence, then, is it that men persevere in these evil practices which all condemn. They can so purchase a homage, which if not genuine, is yet, so far as appearances go, as good as the best. To one whose wealth has been gained by a life of frauds, what matters it that his name is in all circles a synonym of roguery? Has he not been conspicuously honoured by being twice elected mayor of his town? (we state a fact) and does not this, joined to the personal consideration shown him, outweigh in his estimation all that is said against him: of which he hears scarcely any thing? When, not many years after the exposure of his inequitable dealing, a trader attains to the highest civic distinction which the kingdom has to offer; and that, too, through the instrumentality of those who best know his delinquency; is not the fact an encouragement to him, and to all others, to sacrifice rectitude to aggrandizement? If, after listening to a sermon that has by implication denounced the dishonesties he has been guilty of, the rich ill-doer finds, on leaving church, that his neighbours cap to him; does not this tacit approval go far to neutralize the effect of all he has heard? The truth is, that with the great majority of men, the visible expression of social opinion is far the most efficient of incentives and restraints. Let any one who wishes to estimate the strength of this control, propose to himself to walk through the streets in the dress of a dustman, or hawk vegetables from door to door. Let him feel, as he probably will, that he had rather do something morally wrong than commit such a breach of usage, and suffer the

resulting derision. And he will then better estimate how powerful a curb to men is the open disapproval of their fellows; and how, conversely, the outward applause of their fellows is a stimulus surpassing all others in intensity. Fully realizing which facts, he will see that the immoralities of trade are in great part traceable to an immoral public opinion.

Let none infer, from what has been said, that the payment of respect to wealth rightly acquired and rightly used, is deprecated. In its original meaning, and in due degree, the feeling which prompts such respect is good. Primarily, wealth is the sign of mental power; and this is always respectable. To have honestly-acquired property, implies intelligence, energy, self-control; and these are worthy of the homage that is indirectly paid to them by admiring their results. Moreover, the good administration and increase of inherited property, also requires its virtues; and therefore demands its share of approbation. And besides being applauded for their display of faculty, men who gain and increase wealth are to be applauded as public benefactors. For he who as manufacturer or merchant, has, without injustice to others, realized a fortune, is thereby proved to have discharged his functions better than those who have been less successful. By greater skill, better judgment, or more economy than his competitors, he has afforded the public greater advantages. His extra profits are but a share of the extra produce obtained by the same expenditure: the other share going to the consumers. And similarly, the landowner who, by judicious outlay, has increased the value (that is, the productiveness) of his estate, has thereby added to the stock of national capital. By all means, then, let the right acquisition and proper use of wealth, have their due share of admiration.

But that which we condemn as the chief cause of com-

mercial dishonesty, is the *indiscriminate* admiration of wealth—an admiration that has little or no reference to the character of the possessor. When, as very generally happens, the external signs are revered, where they signify no internal worthiness—nay, even where they cover internal unworthiness; then does the feeling become vicious. It is this idolatry which worships the symbol apart from the thing symbolized, that is the root of all these evils we have been exposing. So long as men pay homage to those social benefactors who have grown rich honestly, they give a wholesome stimulus to industry; but when they accord a share of their homage to those social malefactors who have grown rich dishonestly, then do they foster corruption—then do they become accomplices in all these frauds of commerce.

As for remedy, it manifestly follows that there is none save a purified public opinion. When that abhorrence which society now shows to direct theft, is shown to theft of all degrees of indirectness; then will these mercantile vices disappear. When not only the trader who adulterates or gives short measure, but also the merchant who overtrades, the bank-director who countenances an exaggerated report, and the railway-director who repudiates his guarantee, come to be regarded as of the same genus as the pickpocket, and are treated with like disdain; then will the morals of trade become what they should be.

We have little hope, however, that any such higher tone of public opinion will shortly be reached. The present condition of things appears to be, in great measure, a necessary accompaniment of our present phase of progress. Throughout the civilized world, especially in England, and above all in America, social activity is almost wholly expended in material development. To subjugate Nature,

and bring the powers of production and distribution to their highest perfection, is the task of our age; and probably of many future ages. And as in times when national defence and conquest were the chief desiderata, military achievement was honoured above all other things; so now, when the chief desideratum is industrial growth, honour is most conspicuously given to that which generally indicates the aiding of industrial growth. The English nation at present displays what we may call the commercial diathesis; and the undue admiration for wealth appears to be its concomitant—a relation still more conspicuous in the worship of “the almighty dollar” by the Americans. And while the commercial diathesis, with its accompanying standard of distinction, continues, we fear the evils we have been delineating can be but partially cured. It seems hopeless to expect that men will distinguish between that wealth which represents personal superiority and benefits done to society, from that which does not. The symbols, the externals, have all the world throughswayed the masses; and must long continue to do so. Even the cultivated, who are on their guard against the bias of associated ideas, and try to separate the real from the seeming, cannot escape the influence of current opinion. We must, therefore, content ourselves with looking for a slow amelioration.

Something, however, may even now be done by vigorous protest against adoration of mere success. And it is important that it should be done, considering how this vicious sentiment is being fostered. When we have one of our leading moralists preaching, with increasing vehemence, the doctrine of sanctification by force—when we are told that while a selfishness troubled with qualms of conscience is contemptible, a selfishness intense enough to trample down every thing in the unscrupulous pursuit of its ends, is worthy of all admiration—when we find that



if it be sufficiently great, power, no matter of what kind or how directed, is held up for our reverence; we may fear lest the prevalent applause of mere success, together with the commercial vices which it stimulates, should be increased rather than diminished. Not at all by this hero-worship grown into brute-worship, is society to be made better; but by exactly the opposite—by a stern criticism of the means through which success has been achieved; and by according honour to the higher and less selfish modes of activity.

And happily the signs of this more moral public opinion are already showing themselves. It is becoming a tacitly-received doctrine that the rich should not, as in by-gone times, spend their lives in personal gratification; but should devote them to the general welfare. Year by year is the improvement of the people occupying a larger share of the attention of the upper classes. Year by year are they voluntarily devoting more and more energy to furthering the material and mental progress of the masses. And those among them who do not join in the discharge of these high functions, are beginning to be looked upon with more or less contempt by their own order. This latest and most hopeful fact in human history—this new and better chivalry—promises to evolve a higher standard of honour; and so to ameliorate many evils: among others those which we have detailed. When wealth obtained by illegitimate means inevitably brings nothing but disgrace—when to wealth rightly acquired is accorded only its due share of homage, while the greatest homage is given to those who consecrate their energies and their means to the noblest ends; then may we be sure that, along with other accompanying benefits, the morals of trade will be greatly purified.

#### IV.

### PERSONAL BEAUTY.

IT is a commonly-expressed opinion that beauty of character and beauty of aspect are unrelated. I have never been able to reconcile myself to this opinion. Indeed, even those who hold it do so in a very incomplete sense; for it is observable that notwithstanding their theory they continue to manifest surprise when they find a mean deed committed by one of noble countenance—a fact clearly implying that underneath their professed induction lies a still living conviction at variance with it.

Whence this conviction? How is it that a belief in the connection between worth and beauty primarily exists in all? It cannot be innate. Must it not, then, be from early experiences? And must it not be that in those who continue to believe in this connection, spite of their reasonings, the early and wide experiences outweigh the later and exceptional ones?

Avoiding, however, the metaphysics of the question, let us consider it physiologically.

Those who do not admit the relationship between mental and facial beauty, usually remark that the true connection is between character and expression. While they doubt, or rather deny, that the *permanent* forms of the

features are in any way indices of the forms of the mind, they assert that the *transitory* forms of the features are such indices. These positions are inconsistent. For is it not clear that the transitory forms, by perpetual repetition, register themselves on the face, and *produce* permanent forms? Does not an habitual frown by-and-by leave ineffaceable marks on the brow? Is not a chronic scornfulness presently followed by a modified set in the angles of the mouth? Does not that compression of the lips significant of great determination, often stereotype itself, and so give a changed form to the lower part of the face? And if there be any truth in the doctrine of hereditary transmission, must there not be a tendency to the reappearance of these modifications as new types of feature in the offspring? In brief, may we not say that *expression is feature in the making*; and that if expression means something, the form of feature produced by it means something?

Possibly it will be urged, in reply, that changes of expression affect only the muscles and skin of the face; that the permanent marks they produce can extend but to these; that, nevertheless, the beauty of a face is mainly dependent upon the form of its bony framework; that hence, in this chief respect, there cannot take place such modifications as those described; and that, therefore, the relationship of aspect of character, while it may hold in the details, does not hold in the generals.

The rejoinder is, that the framework of the face is modified by modifications in the tissues which cover it. It is an established doctrine in physiology, that throughout the skeleton the greater or less development of bones is dependent on the greater or less development, that is, on the exercise, of the attached muscles. Hence, permanent changes in the muscular adjustments of the face will be followed by permanent changes in its osseous structure.

\*Not to dwell in general statements, however, which with most weigh but little, I will cite a few cases in which the connection between organic ugliness and mental inferiority, and the converse connection between organic beauty and comparative perfection of mind, are distinctly traceable.

It will be admitted that the projecting jaw, characteristic of the lower human races, is a facial defect—is a trait which no sculptor would give to an ideal bust. At the same time, it is an ascertained fact that prominence of jaw is associated in the mammalia generally with comparative lack of intelligence. This relationship, it is true, does not hold good uniformly. It is not a direct but an indirect one; and is thus liable to be disturbed. Nevertheless, it holds good among all the higher tribes; and on inquiry we shall see why it must hold good. In conformity with the great physiological law that organs develop in proportion as they are exercised, the jaws must be relatively large where the demands made upon them are great; and must diminish in size as their functions become less numerous and less onerous. Now, in all the lower classes of animals the jaws are the sole organs of manipulation—are used not only for mastication, but for seizing, carrying, gnawing, and, indeed, for every thing save locomotion, which is the solitary office performed by the limbs. Advancing upwards, we find that the fore-limbs begin to aid the jaws, and gradually to relieve them of part of their duties. Some creatures use them for burrowing; some, as the felines, for striking; many, to keep steady the prey they are tearing; and when we arrive at the quadrumana, whose fore-limbs possess so complete a power of prehension that objects can not only be seized, but carried and pulled to pieces by them, we find that the jaws are used for little else than to break down the food. Accompanying this series of changes, we see a double change in the

form of the head. The increased complexity of the limbs, the greater variety of actions they perform, and the more numerous perceptions they give, imply a greater development of the brain and of its bony envelope. At the same time, the size of the jaws has diminished in correspondence with the diminution of their functions. And by this simultaneous protrusion of the upper part of the cranium and recession of its lower part, what is called the *facial angle* has increased.

Well, these coördinate changes in functions and forms have continued during the civilization of the human race. On contrasting the European and the Papuan, we see that what the one cuts in two with knife and fork, the other tears with his jaws; what the one softens by cooking, the other eats in its hard, raw state; the bones which the one utilizes by stewing, the other gnaws; and for sundry of the mechanical manipulations which the one has tools for, the other uses his teeth. From the Bushman state upwards, there has been a gradual increase in the complexity of our appliances. We not only use our hands to save our jaws, but we make implements to save our hands; and in our engine factories may be found implements for the making of implements. This progression in the arts of life has had intellectual progression for its necessary correlative. Each new complication requires a new increment of intelligence for its production; and the daily use of it developes the intelligence of all still further. Thus that simultaneous protrusion of the brain and recession of the jaws, which among lower animals has accompanied increase of skill and sagacity, has continued during the advance of Humanity from barbarism to civilization; and has been throughout, the result of a discipline involving increase of mental power. And so it becomes manifest that there exists an organic relationship between that protuberance of the jaws which we consider ugly, and a certain inferiority of nature.

Again, that lateral jutting-out of the cheek-bones, which similarly characterizes the lower races of men, and which is similarly thought by us a detracting from beauty, is similarly related to lower habits and lower intelligence. The jaws are closed by the temporal muscles; and these are consequently the chief active agents in biting and mastication. In proportion as the jaws have much work, and correspondingly large size, must the temporal muscles be massive. But the temporal muscles pass between the skull and the zygomatic arches, or lateral parts of the cheek-bones. Consequently, where the temporal muscles are massive, the spaces between the zygomatic arches and the skull must be great; and the lateral projection of the zygomatic arches great also, as we see it in the Mongolian and other uncivilized races. Like large jaws, therefore, of which it is an accompaniment, excessive size of the cheek-bones is both an ugliness and an index of imperfection.

Certain other defects of feature, between which and mental defects it is not thus easy to trace the connection, may yet be fairly presumed to have such connection in virtue of their constant coexistence with the foregoing ones: alike in the uncivilized races and in the young of the civilized races. Peculiarities of face which we find regularly associated with those just shown to be significant of intellectual inferiority, and which like them disappear as barbarism grows into civilization, may reasonably be concluded to have like them a psychological meaning. Thus is it with depression of the bridge of the nose; which is a characteristic both of barbarians and of our babes, possessed by them in common with the higher quadrumana. Thus, also, is it with that forward opening of the nostrils, which renders them conspicuous in a front view of the face—a trait alike of infants, savages, and apes. And the same may be said of wide-spread alæ to

the nose, of great width between the eyes, of long mouth, of large mouth—indeed of all those leading peculiarities of feature which are by general consent called ugly.

And then mark how, conversely, the type of face usually admitted to be the most beautiful, is one that is not simply free from these peculiarities, but possesses opposite ones. In the ideal Greek head, the forehead projects so much, and the jaws recede so much, as to render the facial angle larger than we ever find it in fact. The cheek-bones are so small as scarcely to be traceable. The bridge of the nose is so high as to be almost or quite in a line with the forehead. The alæ of the nose join the face with but little obliquity. In the front view the nostrils are almost invisible. The mouth is small, and the upper lip short, and deeply concave. The outer angles of the eyes, instead of keeping the horizontal line, as is usual, or being directed upwards, as in the Mongolian type, are directed slightly downwards. And the form of the brow indicates an unusually large frontal sinus—a characteristic entirely absent in children, in the lowest of the human races, and in the allied genera.

If, then, recession of the forehead, protuberance of the jaws, and largeness of the cheek-bones, three leading elements of ugliness, are demonstrably indicative of mental inferiority—if such other facial defects as great width between the eyes, flatness of the nose, spreading of its alæ, frontward opening of the nostrils, length of the mouth, and largeness of the lips, are habitually associated with these, and disappear along with them as intelligence increases, both in the race and in the individual; is it not a fair inference that all such faulty traits of feature signify deficiencies of mind? If, further, our ideal of human beauty is characterized not simply by the absence of these traits, but by the presence of opposite ones—if this ideal, as found in sculptures of the Greek gods, has been used

to represent superhuman power and intelligence—and if the race so using it were themselves distinguished by a mental superiority, which, if we consider their disadvantages, produced results unparalleled; have we not yet stronger reasons for concluding that the chief components of beauty and ugliness are severally connected with perfection and imperfection of mental nature? And when, lastly, we remember that the variations of feature constituting expression are confessedly significant of character—when we remember that these tend by repetition to organize themselves, to affect not only the skin and muscles but the bones of the face, and to be transmitted to offspring—when we thus find that there is a psychological meaning alike in each passing adjustment of the features, in the marks that habitual adjustments leave, in the marks inherited from ancestors, and in those main outlines of the facial bones and integuments indicating the type or race; are we not almost forced to the conclusion that all forms of feature are related to forms of mind, and that we consider them admirable or otherwise according as the traits of nature they imply are admirable or otherwise?

In the extremes the relationship is demonstrable. That transitory aspects of face accompany transitory mental states, and that we consider these aspects ugly or beautiful according as the mental states they accompany are ugly or beautiful, no one doubts. That those permanent and most marked aspects of face dependent on the bony framework, accompany those permanent and most marked mental states which express themselves in barbarism and civilization; and that we consider as beautiful those which accompany mental superiority, and as ugly those which accompany mental inferiority, is equally certain. And if this connection unquestionably holds in the extremes—if, as judged by average facts, and by our self-instinctive convictions, it also holds more or less visi-



bly in intermediate cases, it becomes an almost irresistible induction, that the aspects which please us are the outward correlatives of inward perfections, while the aspects which displease us are the outward correlatives of inward imperfections.

I am quite aware that when tested in detail this induction seems not to be borne out. I know that there are often grand natures behind plain faces; and that fine countenances frequently hide small souls. But these anomalies do not destroy the general truth of the law, any more than the perturbations of planets destroy the general ellipticity of their orbits. Some of them, indeed, may be readily accounted for. There are many faces spoiled by having one part perfectly developed while the rest of the features are ordinary; others by the misproportion of features that are in themselves good; others, again, by defects of skin, which, though they indicate defects of visceral constitution, have manifestly no relationship to the higher parts of the nature. Moreover, the facts that have been assigned afford reason for thinking that the leading elements of facial beauty are not directly associated with *moral* characteristics, but with *intellectual* ones—are the results of long-continued civilized habits, long cessation of domestic barbarism, long culture of the manipulative powers; and so may coexist with emotional traits not at all admirable. It is true that the highest intellectual manifestations imply a good balance of the higher feelings; but it is also true that great quickness, great sagacity in ordinary affairs, great practical skill, can be possessed without these, and very frequently are so. The prevalent beauty of the Italians, coexisting though it does with a low moral state, becomes, on this hypothesis, reconcilable with the general induction; as do also many of the anomalies we see around us.

There is, however, a more satisfactory explanation to

be offered than any of these—an explanation which I think renders it possible to admit the seeming contradictions which the detailed facts present, and yet to hold by the theory.

All the civilized races, and probably also the uncivilized ones, are of mixed origin; and, as a consequence, have physical and mental constitutions in which are mingled several aboriginal constitutions more or less differing from each other. This heterogeneity of constitution seems to me the chief cause of the incongruities between aspect and nature which we daily meet with. Given a pure race, subject to constant conditions of climate, food, and habits of life, and there is every reason to believe that between external appearance and internal structure there will be a constant connection. Unite this race with another equally pure, but adapted to different conditions and having a correspondingly different physique, face, and morale, and there will occur in the descendants, not a homogeneous mean between the two constitutions, but a seemingly irregular combination of characteristics of the one with characteristics of the other—one feature traceable to this race, a second to that, and a third uniting the attributes of both; while in disposition and intellect there will be found a like medley of the two originals.

The fact that the forms and qualities of any offspring are not a mean between the forms and qualities of its parents, but a mixture of them, is illustrated in every family. The features and peculiarities of a child are separately referred by observers to father and mother respectively—nose and mouth to this side; colour of the hair and eyes to that—this moral peculiarity to the first; this intellectual one to the second—and so with contour and idiosyncrasies of body. Manifestly if each organ or faculty in a child was an average of the two developments of such organ or faculty in the parents, it would follow

that all brothers and sisters should be alike ; or should, at any rate, differ no more than their parents differed from year to year. So far, however, from finding that this is the case, we find not only that great irregularities are produced by intermixture of traits, but that there is no constancy in the mode of intermixture, or the extent of variation produced by it.

This imperfect union of parental constitutions in the constitution of offspring, is yet more clearly illustrated by the reappearance of peculiarities traceable to bygone generations. Forms, dispositions, and diseases, possessed by distant progenitors, habitually come out from time to time in descendants. Some single feature, or some solitary tendency, will again and again show itself, after being apparently lost. It is notoriously thus with gout, scrofula, and insanity. On some of the monumental brasses in our old churches are engraved heads having traits still persistent in the same families. Wherever, as in portrait galleries, a register of ancestral faces has been kept, the same fact is more or less apparent. The pertinacity with which particular characteristics reproduce themselves is well exemplified in America, where traces of negro blood can be detected in the finger nails, when no longer visible in the complexion. Among breeders of animals it is well known that, after several generations in which no visible modifications were traceable, the effects of a cross will suddenly make their appearance. In all which facts we see the general law that an organism produced from two organisms constitutionally different, is not a homogeneous mean ; but is made up of separate elements, taken in variable manner and proportion from the originals.

In a recent number of the *Quarterly Journal of the Agricultural Society* were published some facts respecting the mixture of French and English races of sheep, bearing collaterally on this point. Sundry attempts had been

made to improve the poor French breeds by our fine English ones. For a long time these attempts failed. The hybrids bore no trace of their English ancestry; but were as dwarfed and poverty-stricken as their French dams. Eventually the cause of failure was found to lie in the relative heterogeneity and homogeneity of the two constitutions. The superior English sheep were of mixed race; the French sheep, though inferior, were of pure race; and the compound, imperfectly coördinated constitution of the one could not maintain itself against the simple and completely-balanced constitution of the other. This, at first an hypothesis, was presently demonstrated. French sheep of mixed constitution having been obtained by uniting two of the pure French breeds, it was found that these hybrid French sheep, when united with the English ones, produced a cross in which the English characteristics were duly displayed. Now, this inability of a mixed constitution to stand its ground against an unmixed one, quite accords with the above induction. An unmixed constitution is one in which all the organs are exactly fitted to each other—are perfectly balanced; the system, as a whole, is in stable equilibrium. A mixed constitution, on the contrary, being made up of organs belonging to two separate sets, cannot have them in exact fitness—cannot have them perfectly balanced; and a system in comparatively unstable equilibrium results. But in proportion to the stability of the equilibrium will be the power to resist disturbing forces. Hence, when two constitutions, in stable and unstable equilibrium respectively, become disturbing forces to each other, the unstable one will be overthrown, and the stable one will assert itself unchanged.

This imperfect coördination of parts in a mixed constitution; and this consequent instability of its equilibrium, are intimately connected with the vexed question of genera, species, and varieties; and, with a view partly

to the intrinsic interest of this question, and partly to the further elucidation of the topic in hand, I must again digress.

The current physiological test of distinct species is the production of a non-prolific hybrid. The ability of the offspring to reproduce itself is held to indicate that its parents are of the same species, however widely they may differ in appearance; and its inability to do this is taken as proof that, nearly allied as its parents may seem, they are distinct in kind. Of late, however, facts have been accumulating that tend more and more to throw doubt on this generalization. Cattle breeders have established it as a general fact, that the offspring of two different breeds of sheep or oxen dwindle away in a few generations if allied with themselves; and that a good result can be obtained only by mixing them with one or other of the original breeds—a fact implying that what is true of so-called species, is, under a modified form, true of varieties also. The same phenomena are observable in the mixtures of different races of men. They, too, it is alleged, cannot maintain themselves as separate varieties; but die out unless there is intermarriage with the originals. In brief, it seems that the hybrids produced from two distinct races of organisms may die out in the first, second, third, fourth, fifth, &c., generation, according as the constitutional difference of the races is greater or less.

Now, the experience of the French sheep-breeders, above quoted, suggests a rationale of these various results. For if it be true that an organism produced by two unlike organisms is not a mean between them, but a mixture of parts of the one with parts of the other—if it be true that these parts belonging to two different sets are of necessity imperfectly coördinated; then it becomes manifest that in proportion as the difference between the parent organisms is greater or less, the defects of coördination in the

offspring will be greater or less. Whence it follows, that according to the degree of organic incongruity between the parents, we may have every gradation in the offspring, from a combination of parts so incongruous that it will not work at all, up to a combination complete enough to subsist permanently as a race.

And this is just what we find in fact. Between organisms widely differing in character, no intermediate organism is possible. When the difference is less, a non-prolific hybrid is produced—an organism so badly coördinated as to be capable only of incomplete life. When the difference is still less, there results an organism capable of reproducing itself; but not of bequeathing to its offspring complete constitutions. And as the degrees of difference are further diminished, the incompleteness of constitution is longer and longer in making its appearance; until we come to those varieties of the same species which differ so slightly that their offspring are as permanent as themselves. Even in these, however, the organic equilibrium seems less perfect; as illustrated in the case I have quoted. And in connection with this inference, it would be interesting to inquire whether pure constitutions are not superior to mixed ones, in their power of maintaining the balance of vital functions under disturbing conditions. Is it not a fact that the pure breeds are *hardier* than the mixed ones? Are not the mixed ones, though superior in size, less capable of resisting unfavourable influences—extremes of temperature, bad food, &c.? And is not the like true of mankind?

Returning to the topic in hand, it is manifest that these facts and reasonings serve further to enforce the general truth, that the offspring of two organisms not identical in constitution is a heterogeneous mixture of the two, and not a homogeneous mean between them.

If, then, bearing in mind this truth, we remember the

composite character of the civilized races—the mingling in ourselves, for example, of Celt, Saxon, Norman, Dane, with sprinklings of other tribes; if we consider the complications of constitution that have arisen from the union of these, not in any uniform manner, but with utter irregularity; and if we recollect that the incongruities thus produced pervade the whole nature, mental and bodily—nervous tissue and other tissues; we shall see that there must exist in all of us an imperfect correspondence between parts of the organism that are really related; and that as one manifestation of this, there must be more or less of discrepancy between the features and those parts of the nervous system with which they have a physiological connection.

And if this be so, then the difficulties that stand in the way of the belief that beauty of character is related to beauty of face are considerably diminished. It becomes possible at once to admit that plainness may coexist with nobility of nature, and fine features with baseness; and yet to hold that mental and facial perfection are fundamentally connected, and will, when the present causes of incongruity have worked themselves out, be ever found united.



## REPRESENTATIVE GOVERNMENT.

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SHAKSPEARE'S simile for adversity—

Which, like the toad, ugly and venomous,  
Wears yet a precious jewel in his head,

might fitly be used also as a simile for a disagreeable truth. Repulsive as is its aspect, the hard fact which dissipates a cherished illusion, is presently found to contain the germ of a more salutary belief. The experience of every one furnishes instances in which an opinion long shrunk from as seemingly at variance with all that is good, but finally accepted as irresistible, turns out to be fraught with benefits. It is thus with self-knowledge: much as we dislike to admit our defects, we find it better to know and guard against, than to ignore them. It is thus with changes of creed: alarming as looks the reasoning by which superstitions are overthrown, the convictions to which it leads prove to be healthier ones than those they superseded. And it is thus with political enlightenment: men eventually see cause to thank those who pull to pieces their political air-castles; hateful as their antagonism once seemed. Moreover, not only is it always better to believe truth than error; but the repugnant-looking facts are ever found to be parts of something far more per-



fect and beautiful than the ideal which they dispelled: the actuality always transcends the dream. To the many illustrations of this which might be cited, we shall presently add another.

It is a conviction almost universally entertained here in England, that our method of making and administering laws possesses every virtue. Prince Albert's unlucky saying that "Representative Government is on its trial," is vehemently repudiated: we consider that the trial has long since ended in our favour on all the counts. Partly from ignorance, partly from the bias of education, partly from that patriotism which leads the men of each nation to pride themselves in their own institutions, we have an unhesitating belief in the entire superiority of our form of political organization. Yet there is evidence that it has not a few apparently serious defects. Unfriendly critics can point out vices that are manifestly inherent. And if we may believe the defenders of despotism, these vices are fatal to its efficiency.

Now instead of denying or blinking these allegations, it would be much wiser candidly to examine them—to inquire whether they are true; and if true, what they imply. If, as most of us are so confident, government by representatives is better than any other, we can afford patiently to listen to all adverse remarks: believing that they are either invalid, or that if valid they do not essentially tell against its merits. And we may be sure that if our political system is well founded, this crucial criticism will serve but to bring out its worth more clearly than ever; and to give us better conceptions of its nature, its meaning, its purpose. Let us, then, banishing for the nonce all prepossessions, and taking up a thoroughly antagonistic point of view, set down without mitigation its many vices, flaws, and absurdities.

Is it not manifest on the face of it, that a ruling body made up of many individuals, who differ in character, education, and aims, who belong to classes having more or less antagonistic ideas and feelings, and who are severally swayed by the special opinions of the districts deputing them—is it not manifest that such a body must be a cumbrous apparatus for the management of public affairs? When we devise a machine to perform any operation, we take care that its parts are as few as possible; that they are adapted to their respective ends; that they are properly joined with one another; and that they work smoothly to their common purpose. Our political machine, however, is constructed upon directly opposite principles. Its parts are extremely numerous: multiplied, indeed, beyond all reason. They are not severally chosen as specially qualified for particular functions; but are mostly chosen without reference to particular functions. No care is taken that they shall fit well together: on the contrary, our arrangements are such that they are certain not to fit. And that, as a consequence, they do not and cannot act in harmony, is a fact nightly demonstrated to all the world. In truth, had the problem been to find an appliance for the slow and bungling transaction of business, it could scarcely have been better solved. Immense hindrance results from the mere multiplicity of parts; a further immense hindrance results from their incongruity; yet another immense hindrance results from the frequency with which they are changed; while the greatest hindrance of all results from the want of subordination of the parts to their functions—from the fact, that the personal welfare of the legislator is not bound up with the efficient performance of his political duty, but is often totally at variance with the performance of his political duty.

These are defects of a kind that do not admit of remedy

They are inherent in the very nature of our institutions, and they cannot fail to produce disastrous mismanagement. If proofs of this be needed, they may be furnished in abundance, both from the current history of our central representative government, and from that of local ones, public and private—from that of municipal corporations, boards of health, boards of guardians, mechanics' and literary institutions, and societies of all kinds: the universality of the evils showing that they are not accidental but intrinsic. Let us, before going on to contemplate these evils as displayed on a great scale in our legislature, glance at some of them in their simpler and smaller manifestations.

We will not dwell upon the comparative inefficiency of deputed administration in all mercantile affairs. The untrustworthiness of management by proxies, might be afresh illustrated by the many recent joint-stock-bank catastrophies: the recklessness and dishonesty of rulers whose interests are not one with those of the concern they control, being in these cases conspicuously displayed. Or we could enlarge on the same truth as exhibited in the doings of railway boards: instancing the frequent malversations proved against directors; the carelessness which has permitted Robson and Redpath frauds; the rashness perseveringly shown in making unprofitable branches and extensions. But facts of this kind are sufficiently familiar. All men are convinced that for manufacturing and commercial ends, management by many partially-interested directors, is immensely inferior to management by a single wholly-interested owner.

Let us pass, then, to less notorious examples. Mechanics' institutions will supply our first. The theory of these is plausible enough. Artisans wanting knowledge, and benevolent middle-class people wishing to help them to it, constitute the raw material. By uniting their means they

propose to obtain literary and other advantages, which else would be beyond their reach. And it is concluded that, being all interested in securing the proposed objects, and the governing body being chosen out of their number, the results cannot fail to be such as were intended. In most cases, however, the results are quite otherwise. Indifference, stupidity, party-spirit, and religious dissension, nearly always thwart the efforts of the promoters. It is thought good policy to select as president some local notability; probably not distinguished for wisdom, but whose donation or prestige more than counter-balances his defect in this respect. Vice-presidents are chosen with the same view: a clergyman or two; some neighbouring squires, if they can be had; an ex-mayor; several aldermen; half a dozen manufacturers and wealthy tradesmen; and a miscellaneous complement. While the committee, mostly elected more because of their position or popularity than their intelligence or fitness for coöperation, exhibit similar incongruities.

Causes of dissension quickly arise. A book much wished for by the mass of the members, is tabooed, because ordering it would offend the clerical party in the institution. Regard for the prejudices of certain magistrates and squires who figure among the vice-presidents, forbids the engagement of an otherwise desirable and popular lecturer, whose political and religious opinions are somewhat extreme. The selection of newspapers and magazines for the reading-room, is a fruitful source of disputes. Should some, thinking it would be a great boon to those for whom the institution was expressly established, propose to open the reading-room on Sundays, there arises a violent fight; ending, perhaps, in the secession of some of the defeated party.

The question of amusements, again, furnishes a bone of contention. Shall the institution exist solely for in-

struction, or shall it add gratification? The refreshment question, also, is apt to be raised, and to add to the other causes of difference. In short, the stupidity, prejudice, party-spirit, and squabbling, are such as eventually to drive away in disgust those who should have been the administrators; and to leave the control in the hands of a clique, who pursue some humdrum middle course, satisfying nobody. Instead of that prosperity which would probably have been achieved under the direction of one good man-of-business, whose welfare was bound up with its success, the institution loses its prestige, and dwindles away: ceases almost entirely to be what was intended—a *mechanics'* institution; and becomes little more than a middle-class lounge, kept up not so much by the permanent adhesion of its members, as by the continual addition of new ones in place of the old ones constantly falling off. Meanwhile, the end originally proposed is fulfilled, so far as it gets fulfilled at all, by private enterprise. Cheap newspapers and cheap periodicals, provided by publishers having in view the pockets and tastes of the working-classes; coffee-shops and penny reading-rooms, set up by men whose aim is profit; are the instruments of the chief proportion of such culture as is going on.

In higher-class institutions of the same order—in Athenæums, Philosophical Societies, etc.—the like inefficiency of representative government is very generally displayed. Quickly following the vigour of early enthusiasm, come class and sectarian differences, the final supremacy of a party, bad management, apathy. Subscribers complain they cannot get what they want; and off by one desert to private book-clubs or to Mudie.

Turning from non-political to political institutions, we might, had we space, draw many illustrations from the doings of the old poor-law authorities, or those of modern boards of guardians; but omitting these and others such,

we will, among local governments, confine ourselves to the reformed municipal corporations.

If, leaving out of sight all other evidences, and forgetting that they are newly-organized bodies into which corruption has scarcely had time to creep, we were to judge of these municipal corporations by the town-improvements they have effected, we might pronounce them successful. But, even without insisting on the fact that such improvements are more due to the removal of obstructions, and to that same progressive spirit which has established railways and telegraphs, than to the positive virtues of the civic governments; it is to be remarked, that the execution of numerous public works is by no means an adequate test. With power of raising funds limited only by a rebellion of ratepayers, it is easy in prosperous, increasing towns, to make a display of efficiency. The proper questions to be asked are:—Do municipal elections end in the choice of the fittest men that are to be found? Does the resulting administrative body, perform well and economically the work that devolves on it? And does it show sound judgment in refraining from needless or improper work? To these questions the answers are by no means satisfactory.

Town-councils are not conspicuous for either intelligence or high character. On the contrary, they consist of a very large proportion of ciphers, interspersed with a few superior men. Indeed, there are competent judges who think that, on the average, their members are inferior to those of the old close corporations they superseded. As all the world knows, the choice turns mainly on political opinions. The first question respecting any candidate is, not whether he has great knowledge, judgment, or business-faculty—not whether he has any special aptitude for the duty to be discharged; but whether he is Whig or Tory. Even supposing his politics to be approved, his

nomination still does not depend chiefly on his proved uprightness or capacity; but much more on his friendly relations with the dominant clique. A number of the corporation magnates, habitually meeting probably at the chief hotel, and there held together as much by the brotherhood of conviviality as by that of opinion, discuss the merits of all whose names are before the public, and decide which are the most suitable. This gin-and-water caucus it is, which practically determines the selection of candidates; and, by consequence, the elections. Those who will succumb to leadership—those who will merge their private opinions in the policy of their party, of course have the preference. Men too independent for this—too far-seeing to join in the shibboleth of the hour, or too refined to mix with the “jolly good fellows” who thus rule the town, are shelved; notwithstanding that they are, above all others, fitted for office. Partly from this underhand influence, and partly from the consequent disgust which leads them to decline standing if asked, the best men are generally not in the governing body. It is notorious that in London, the most respectable merchants will have nothing to do with the local government. And in New York, “the exertions of its better citizens are still exhausted in private accumulation, while the duties of administration are left to other hands.” It cannot then be asserted that in town-government, the representative system succeeds in bringing the ablest and most honourable men to the top.

The efficient and economical discharge of duties is, of course, hindered by this inferiority of the deputies chosen; and it is yet further hindered by the persistent action of party and personal motives. Not whether he knows well how to handle a level, but whether he voted for the popular candidate at the last parliamentary election, is the question on which may, and sometimes does, hang the

choice of a town-surveyor; and if sewers are ill laid out, it is a natural consequence. When, a new public edifice having been decided on, competition designs are advertised for; and when the designs, ostensibly anonymous but really identifiable, have been sent in; T. Square, Esq., who has an influential relative in the corporation, makes sure of succeeding, and is not disappointed: albeit his plans are not those which would have been chosen by any one of the judges, had the intended edifice been his own. Brown, who has for many years been on the town-council, and is one of the dominant clique, has a son who is a doctor; and when, in pursuance of an Act of Parliament, an officer of health is to be appointed, Brown privately canvasses his fellow-councillors, and succeeds in persuading them to elect his son; though his son is by no means the fittest man the place can furnish. Similarly with the choice of tradesmen to execute work for the town. A public clock that is frequently getting out of order, and Board-of-Health water-closets which disgust those who have them (we state facts), sufficiently testify that stupidity, favouritism, or some sinister influence, is ever causing mismanagement. The choice of inferior representatives, and by them of inferior *employés*, joined with private interest and divided responsibility, inevitably prevent the discharge of duties from being satisfactory.

Moreover, the extravagance which is now becoming a notorious vice of municipal bodies, is greatly increased by the practice of undertaking things which they ought not to undertake; and the incentive to do this is, in many cases, traceable to the representative origin of the body. The system of compounding with landlords for municipal rates, leads the lower class of occupiers into the error that town-burdens do not fall on them; and they therefore approve of an expenditure which seemingly gives them gratis advantages. As they form the mass of the consti-



tuency, lavishness becomes a popular policy; and popularity-hunters vie with each other in bringing forward new and expensive projects. Here is a councillor who, having fears about his next election, proposes an extensive scheme for public gardens—a scheme which many who disapprove do not oppose, because they, too, bear in mind the next election. There is another councillor, who keeps a shop, and who raises and agitates the question of baths and wash-houses; very well knowing that his trade is not likely to suffer from such a course. And so in other cases: the small direct interest which each member of the corporation has in economical administration, is antagonized by so many indirect interests of other kinds, that he is not likely to be a good guardian of the public purse.

Thus, neither in respect of the deputies chosen, the efficient performance of their work, nor the avoidance of unfit work, can the governments of our towns be held satisfactory. And if in these recently-formed bodies the defects are so conspicuous, still more conspicuous are they where they have had time to grow to their full magnitude: witness the case of New York. According to the *Times* correspondent in that city, the New York people pay “over a million and a half sterling, for which they have badly-paved streets, a police by no means as efficient as it should be, though much better than formerly, the greatest amount of dirt north of Italy, the poorest cab-system of any metropolis in the world, and only unsheltered wooden piers for the discharge of merchandise.”

And now, having glanced at the general bearings of the question in these minor cases, let us take the major case of our central government; and in connection with it, pursue the inquiry more closely. Here the inherent faults of the representative system are still more clearly dis-

played. The greater multiplicity of rulers involves greater cumbrousness, greater confusion and delay. Differences of class, of aims, of prejudices, are both larger in number and wider in degree; and hence arise dissensions still more multiplied. The direct effect which each legislator is likely to experience from the working of any particular measure, is usually very small and remote; while the indirect influences that sway him, are, in this above all other cases, numerous and strong; whence follows a marked tendency to neglect public welfare for private advantage. But let us set out from the beginning—with the constituencies.

The representative theory assumes that if a number of citizens, deeply interested as they all are in good government, be endowed with political power, they will choose the wisest and best men for governors. Seeing how greatly they must suffer from bad administration of public affairs and benefit from good, it is considered self-evident that they must have the *will* to select proper representatives; and it is further taken for granted that average common sense gives the *ability* to select proper representatives. How does experience bear out these assumptions? Does it not to a great degree negative them?

We find several considerable classes of electors who have little or no *will* in the matter. Not a few of those on the register pique themselves on taking no part in politics—claim credit for having the sense not to meddle with things that do not concern them. Many others there are whose interests in the choice of a member of Parliament are so slight, that they do not think it worth while to vote. A notable proportion, too, shopkeepers especially, care so little about the result, that their votes are determined by their wishes to please their chief patrons. In the minds of a yet larger class, small sums of money, or

even *ad libitum* supplies of beer, outweigh any desires they have to use their political powers independently. Those who adequately recognize the importance of honestly exercising their judgments in the selection of legislators, and who give conscientious votes, form but a minority; and the election usually hangs less upon their wills than upon the indirect and illegitimate influences which sway the rest.

Then, again, as to intelligence. Even supposing that the mass of electors have a sufficiently decided *will* to choose the best rulers, what evidence have we of their *ability*? Is picking out the wisest man among them, a task within the range of their capacities? Let any one listen to the conversation of a farmer's market-table, and then answer how much he finds of that wisdom which is required to discern wisdom in others. Or let him read the clap-trap speeches made from the hustings with a view of pleasing constituents, and then estimate the penetration of those who are to be so pleased. Even among the higher order of electors he will meet with gross political ignorance—with notions that Acts of Parliament can do whatever it is thought well they should do; that the value of gold can be fixed by law; that distress can be remedied by poor-laws; and so forth. If he descends a step, he will find in the still-prevalent ideas that machinery is injurious to the working-classes, and that extravagance is "good for trade," indices of a yet smaller insight. And in the lower and larger class, formed by those who think that their personal interest in good government is not worth the trouble of voting, or is outbalanced by the loss of a customer, or is of less value than a bribe, he will perceive an almost hopeless stupidity. Without going the length of Mr. Carlyle, and defining the people as "twenty-seven millions, mostly fools," he will yet confess that they are but very sparsely gifted with wisdom.

That these should succeed in choosing from out their number the fittest governors, would be strange; and that they do not so succeed is manifest. Even as judged by the most common-sense tests, their selections are absurd, as we shall shortly see.

It is a self-evident truth that we may most safely trust those whose interests are identical with our own; and that it is very dangerous to trust those whose interests are antagonistic to our own. All the legal securities we take in our transactions with each other, are so many recognitions of this truth. We are not satisfied with *professions*. If another's position is such that he must be liable to motives at variance with the promises he makes, we take care by introducing an artificial motive (the dread of legal penalties) to make it his interest to fulfil these promises. Down to the asking for a receipt, our daily business-habits testify that, in consequence of the prevailing selfishness, it is extremely imprudent to expect men to regard the claims of others equally with their own;—all asseverations of good faith notwithstanding. Now, it might have been thought that even the modicum of sense possessed by the majority of electors, would have led them to recognize this fact in the choice of their representatives. But they show a total disregard of it.

While the theory of our Constitution, in conformity with this same fact, assumes that the three divisions composing the Legislature will severally pursue each its own ends—while our history shows that Monarch, Lords, and Commons, *have* all along more or less conspicuously done this; our electors manifest by their votes, the belief that their interests will be as well cared for by members of the titled class as by members of their own class. Though, in their determined opposition to the Reform-Bill, the aristocracy showed how greedy they were, not only of their legitimate power, but of their illegitimate power—

though by the enactment and pertinacious maintenance of the Corn-Laws, they proved how little popular welfare weighed in the scale against their own profit—though they have ever displayed a watchful jealousy even of their smallest privileges, whether equitable or inequitable (as witness the recent complaint in the House of Lords, that the Mercantile Marine Act calls on lords of manors to show their titles before they can claim the wrecks thrown on the shores of their estates, which before they had always done by prescription)—though they have habitually pursued that self-seeking policy which men so placed were sure to pursue; yet constituencies have decided that members of the aristocracy may fitly be chosen as representatives of the people. Our present House of Commons contains 98 Irish peers and sons of English peers; 66 blood-relations of peers; and 67 connections of peers by marriage: in all, 231 members whose interests or sympathies, or both, are with the nobility rather than the commonalty.

We are quite prepared to hear the doctrine implied in this criticism, condemned by rose-water politicians as narrow and prejudiced. To such we simply reply, that they and their friends fully recognize this doctrine when it suits them to do so. What is the meaning of their wish to prevent the town-constituencies from predominating over the county-ones; if it does not imply the belief that each division of the community will consult its own welfare? Or what plea can there be for Lord John Russell's proposal to represent minorities; unless it be the plea that those who have the opportunity will sacrifice the interests of others to their own? Or how shall we explain the anxiety of the upper class to keep a tight rein on the growing power of the lower class, save from their consciousness that *bona fide* representatives of the lower class would be less regardful of their privileges than they are

themselves? The truth is plain enough, even for a child to comprehend. If there be any reason in the theory of the Constitution, then, while the members of the House of Peers should belong to the peerage, the members of the House of Commons should belong to the commonalty. Either the constitutional theory is sheer nonsense, or else the choice of lords as representatives of the people proves the folly of constituencies.

But this folly by no means ends here: it works out other results quite as absurd. What should we think of a man giving his servants equal authority with himself over the affairs of his household? Suppose the shareholders in a railway company were to elect, as members of their board of directors, the secretary, engineer, superintendent, traffic-manager, and others such? Should we not be astonished at their stupidity? Should we not prophesy that the private advantage of officials would frequently override the welfare of the company? Yet our parliamentary electors commit a blunder of just the same kind. For what are military and naval officers but servants of the nation; standing to it in a relation like that in which the officers of a railway-company stand to the company? Do they not perform public work? do they not take public pay? And do not their interests differ from those of the public, as the interests of the employed from those of the employer? The impropriety of admitting executive agents of the State into the Legislature, has over and over again thrust itself into notice; and in minor cases has been prevented by sundry Acts of Parliament. Enumerating those disqualified for the House of Commons, Blackstone says:

"No person concerned in the management of any duties or taxes created since 1692, except the commissioners of the treasury, nor any of the officers following (viz., commissioners of prizes, transports, sick and wounded, wine licenses, navy, and victualling;

secretaries and receivers of prizes; comptrollers of the army accounts; agents of regiments; governors of plantations, and their deputies; officers of Minorca or Gibraltar; officers of the excise and customs; clerks and deputies in the several offices of the treasury, exchequer, navy, victualling, admiralty, pay of the army and navy, secretaries of state, salt, stamps, appeals, wine, licenses, hackney coaches, hawkers and pedlars), nor any persons that hold any new office under the crown created since 1705, are capable of being elected, or sitting as members."

In which list naval and military officers would doubtless have been included, had they not always been too powerful a body and too closely identified with the dominant classes. Glaring, however, as is the impolicy of appointing public servants to make the laws; and clearly as this impolicy is recognized in the above-specified exclusions from time to time enacted; the people at large seem totally oblivious of it. At the last election they returned 9 naval officers, 46 military officers, and 51 retired military officers, who in virtue of education, friendship, and *esprit de corps*, take the same views with their active comrades—in all 106: not including 64 officers of militia and yeomanry, whose sympathies and ambitions are in a considerable degree the same. If any one thinks that this large infusion of officialism is of no consequence, let him look in the division-lists. Let him inquire how much it has had to do with the maintenance of the purchase-system. Let him ask whether the almost insuperable obstacles to the promotion of the private soldier, have not been strengthened by it. Let him see what share it had in keeping up those worn-out practices, and forms, and mis-arrangements, which entailed the disasters of our late war. Let him consider whether the hushing-up of the Crimean Inquiry, and the whitewashing of delinquents, were not aided by it. Yet, though abundant experience thus confirms what common sense would beforehand have prophe-

sied; and though, notwithstanding the late disasters, exposures, and public outcry for army-reform, the influence of the military caste is so great, that the reform has been staved off; our constituencies are stupid enough to send to Parliament as many military officers as ever!

Not even now have we reached the end of these impolitic selections. The general principle on which we have been insisting, and which is recognized by expounders of the constitution when they teach that the legislative and executive divisions of the Government should be distinct—this general principle is yet further sinned against; though not in so literal a manner. For though they do not take State-pay, and are not nominally Government-officers, yet, practically, lawyers are members of the executive organization. They form an important part of the apparatus for the administration of justice. By the working of this apparatus they make their profits; and their welfare depends on its being so worked as to bring them profits, rather than on its being so worked as to administer justice. Exactly as military officers have interests distinct from, and often antagonistic to, the efficiency of the army; so, barristers and solicitors have interests distinct from, and often antagonistic to, the simple, cheap, and prompt enforcement of the law.

And that they are habitually swayed by these antagonistic interests, is notorious. It is not in human nature that they should be otherwise. So strong is the bias, as sometimes even to destroy the power of seeing from any other than the professional stand-point. We have ourselves heard a lawyer declaiming on the damage which the County-Courts-Act had done to the profession; and expecting his non-professional hearers to join him in condemning it therefor! And if, as all the world knows, the legal conscience is not of the tenderest, is it wise to depute lawyers to frame the laws which they will be con-



cerned in carrying out; and the carrying out of which must affect their private incomes? Are barristers, who constantly take fees for work which they do not perform, and attorneys, whose bills are so often exorbitant that a special office has been established for taxing them—are these, of all others, to be trusted in a position which would be trying even to the most disinterested? Nevertheless, the towns and counties of England have returned to the present House of Commons 98 lawyers—some 60 of them in actual practice, and the rest retired, but doubtless retaining those class-views acquired during their professional careers.

These criticisms on the conduct of constituencies, do not necessarily commit us to the assertion that *none* belonging to the official and aristocratic classes ought to be chosen. Though it would be safer to carry out in these important cases, the general principle which, as above shown, Parliament has itself recognized and enforced in unimportant cases; yet we are not prepared to say that occasional exceptions might not be made, on good cause being shown. All we aim to show is, the gross impolicy of selecting so large a proportion of representatives from classes having interests different from those of the general public. That in addition to more than a third taken from the dominant class, who already occupy one division of the Legislature, the House of Commons should contain nearly another third taken from the naval, military, and legal classes, whose policy, like that of the dominant class, is to maintain things as they are; we consider a decisive proof of electoral misjudgment. That out of 654 members, of which the People's House now consists, there should be but 250 who, as considered from a class-point of view, are eligible or tolerably eligible (for we include a considerable number who are more or less objectionable), is significant of any thing but popular good sense. That into an as-

sembly established to protect their interests, the commonalty of England should have sent one-third whose interests are the same as their own, and two-thirds whose interests are at variance with their own, proves a scarcely credible lack of wisdom; and seems an awkward fact for the representative theory.

If the intelligence of the mass is thus not sufficient even to choose out men who by position and occupation are fit representatives, still less is it sufficient to choose out men who are the fittest in character and capacity. To see who will be liable to the bias of private advantage is a very easy thing; to see who is wisest is a very difficult thing; and those who do not succeed in the first must necessarily fail in the last. The higher the wisdom, the more incomprehensible does it become by ignorance. It is a manifest fact that the popular man or writer, is always one who is but little in advance of the mass, and consequently understandable by them: never the man who is far in advance of them, and out of their sight. Appreciation of another implies some community of thought. "Only the man of worth can recognize worth in men. . . . The worthiest, if he appealed to universal suffrage, would have but a poor chance. . . . Alas! Jesus Christ, asking the Jews what *he* deserved—was not the answer, Death on the gallows!" And though men do not now-a-days stone the prophet, they, at any rate, ignore him. As Mr. Carlyle says in his vehement way—

"If of ten men nine are recognizable as fools, which is a common calculation, how, in the name of wonder, will you ever get a ballot-box to grind you out a wisdom from the votes of these ten men? . . . I tell you a million blockheads looking authoritatively into one man of what you call genius, or noble sense, will make nothing but nonsense out of him and his qualities, and his virtues and defects, if they look till the end of time."

So that, even were electors content to choose the man

proved by general evidence to be the most far-seeing, and refrained from testing him by the coincidence of his views with their own, there would be small chance of their hitting on the best. But judging of him, as they do, by asking him whether he thinks this or that crudity which they think, it is manifest that they will fix on one far removed from the best. Their deputy will be truly representative;—representative, that is, of the average stupidity.

• And now let us look at the assembly of representatives thus chosen. Already we have noted the unfit composition of this assembly as respects the interests of its members; and we have just seen what the representative theory itself implies as to their intelligence. Let us now, however, consider them more nearly under this last head.

And first, what is the work they undertake? Observe, we do not say, the work which they *ought* to do; but the work which they *propose* to do, and *try* to do. This comprehends the regulation of nearly all actions going on throughout society. Besides devising measures to prevent the aggression of citizens on each other, and to secure each the quiet possession of his own; and besides assuming the further function, also needful in the present state of mankind, of defending the nation as a whole against invaders; they unhesitatingly take on themselves to provide for countless wants, to cure countless ills, to oversee countless affairs. Out of the many beliefs men have held respecting God, Creation, the Future, etc., they presume to decide which are true; and endow an army of priests to perpetually repeat them to the people. The distress inevitably resulting from improvidence, and the greater or less pressure of population on produce, they undertake to remove: they settle the minimum which each rate-payer shall give in charity; and how the pro-

ceeds shall be administered. Judging that emigration will not naturally go on fast enough; they provide means for carrying off some of the labouring classes to the colonies. Certain that social necessities will not cause a sufficiently rapid spread of knowledge, and confident that they know what knowledge is most required, they use public money for the building of schools and paying of teachers; they print and publish State-school-books; they employ inspectors to see that their standard of education is conformed to. Playing the part of doctor, they insist that every one shall use their specific, and escape the danger of small-pox by submitting to an attack of cow-pox. Playing the part of moralist, they decide which dramas are fit to be acted, and which are not. Playing the part of artist, they prompt the setting up of drawing-schools; provide masters and models; and, at Marlborough House, enact what shall be considered good taste, and what bad. Through their lieutenants, the corporations of towns, they furnish appliances for the washing of people's skins and clothes; they, in some cases, manufacture gas and put down water-pipes; they lay out sewers and cover over cess-pools; they establish public libraries and make public gardens. Moreover, they determine how houses shall be built, and what is a safe construction for a ship; they take measures for the security of railway travelling; they fix the hour after which public-houses may not be open; they regulate the prices chargeable by vehicles plying in the London streets; they inspect lodging-houses; they arrange for town burial-grounds; they fix the hours of factory hands. In short, they aim to control and direct the entire national life. If some social process does not seem to them to be going on fast enough, they stimulate it; where the growth is not in the mode or the direction which they think most desirable, they alter it; and so they seek to realize some undefined ideal community.

Such being the task undertaken, what, let us ask, are the qualifications for discharging it? Supposing it possible to achieve all this (which we do not), what must be the knowledge and capacities of those who shall achieve it? Successfully to prescribe for society, it is needful to know the structure of society—the principles on which it is organized—the natural laws underlying its progress. If there be not a true understanding of what constitutes social development; there must necessarily be grave mistakes made in checking these changes and fostering those. If there be lack of insight respecting the mutual dependence of the many functions which, taken together, make up the national life, unforeseen disasters will ensue from not perceiving how an interference with one will affect the rest. If there be no knowledge of the natural *consensus* at any time subsisting in the social organism, there will of course be bootless attempts to secure ends which do not consist with its passing phase of organization. Clearly, before any effort to regulate the myriad multi-form changes going on in a community, can be rationally made, there must be an adequate comprehension of how these changes are caused, and in what way they are related to each other—how this entangled web of phenomena hangs together—how it came thus, and what it is becoming. That is to say, there must be a due acquaintance with the social science—the science involving all others; the science standing above all others in subtlety and complexity; the science which the highest intelligence alone can master.

And now, how far do our legislators possess this qualification? Do they in any moderate degree display it? Do they make even a distant approximation to it? That many of them are very good classical scholars is beyond doubt: not a few have written first-rate Latin verses, and can enjoy a Greek play; but there is no obvious relation

between a memory well stocked with the words talked two thousand years ago, and an understanding disciplined to deal with modern society. That in learning the languages of the past they have learnt some of its history, is true; but considering that this history is mainly a narrative of battles and intrigues and negotiations, it does not throw much light on social philosophy—not even the simplest principles of political economy have ever been gathered from it. We do not question, either, that a moderate percentage of members of Parliament are fair mathematicians; and that mathematical discipline is valuable. As, however, political problems are not susceptible of mathematical analysis, their studies in this direction cannot much aid them in legislation.

To the large body of military officers who sit as representatives, we would not for a moment deny a competent knowledge of fortification, of strategy, of regimental discipline; but we do not see that these throw much light on the causes and cure of national evils. Indeed, considering that all war is anti-social, and that the government of soldiers is necessarily despotic; military education and habits are more likely to unfit than to fit men for regulating the doings of a free people. Extensive acquaintance with the laws, may doubtless be claimed by the many barristers and solicitors chosen by our constituencies; and this seems a kind of information having some relation to the work to be done. Unless, however, this information is more than technical—unless it is accompanied by a knowledge of the ramified consequences that laws have produced in times past, and are producing now (which nobody will assert); it cannot give much insight into Social Science. A familiarity with laws is no more a preparation for rational legislation, than would a familiarity with all the nostrums men have ever used, be a preparation for the rational practice of medicine. Nowhere, then,

in our representative body, do we find appropriate culture. Here is a clever novelist, and there a successful maker of railways; this member has acquired a large fortune in trade, and that member is noted as an agricultural improver; but none of these achievements imply fitness for controlling and adjusting social processes. Among the many who have passed through the public school and university *curriculum*—including though they may a few Oxford double-firsts and one or two Cambridge wranglers—there are none who have received the discipline required by the true legislator. None have that competent knowledge of Science in general, culminating in the Science of Life, which can alone form a basis for the Science of Society.

For it is one of those open secrets which seem the more secret because they are so open, that all phenomena displayed by a nation are phenomena of Life, and are without exception dependent on the laws of Life. There is no growth, decay, evil, improvement, or change of any kind, going on in the body politic, but what has its original cause in the actions of human beings; and there are no actions of human beings but what conform to the laws of Life in general, and cannot be truly understood until those laws are understood. We do not hesitate to assert that without a knowledge of the laws of Life, and a clear comprehension of the way in which they underlie and determine social growth and organization, the attempted regulation of social life must end in perpetual failures.

See, then, the immense incongruity between the end and the means. See on the one hand the countless difficulties of the gigantic task; and on the other hand the almost total unpreparedness of those who undertake it. Need we wonder that legislation is ever breaking down? Is it not natural that complaint, amendment, and repeal, should form the staple business of every session? Is there

any thing more than might be expected in the absurd Jack-Cadeisms which almost nightly disgrace the debates? Even without setting up so high a standard of qualification as that above specified, the unfitness of most representatives for their duties is abundantly manifest. You need but glance over the miscellaneous list of noblemen, baronets, squires, merchants, barristers, engineers, soldiers, sailors, railway-directors, etc., and then ask what training their previous lives have given them for the intricate business of legislation, to see at once how extreme must be the incompetence. One would think that the whole system had been framed on the sayings of some political Dogberry:—"The art of healing is difficult; the art of government easy. The understanding of arithmetic comes by study; while the understanding of society comes by instinct. Watchmaking requires a long apprenticeship; but there needs none for the making of institutions. To manage a shop properly requires teaching; but the management of a people may be undertaken without preparation." Were we to be visited by some wiser Gulliver, or, as in the "Micromegas" of Voltaire, by some inhabitant of another sphere, his account of our political institutions might run somewhat as follows:

"I found that the English were governed by an assembly of men, said to embody the 'collective wisdom.' This assembly, joined with some other authorities which seem practically subordinate to it, has unlimited power. I was much perplexed by this. With us it is customary to define the office of any appointed body; and above all things to see that it does not defeat the ends for which it was appointed. But both the theory and the practice of this English Government, imply that it may do whatever it pleases. Though, by their current maxims and usages, the English recognize the right of property as sacred—though the infraction of it is considered by them one of



the gravest crimes—though the laws profess to be so jealous of it as to punish even the stealing of a turnip; yet their legislators suspend it at will. They take the money of citizens for any project which they choose to undertake; though such project was not in the least contemplated by those who gave them authority—nay, though the greater part of the citizens from whom the money is taken had no share in giving them such authority. Each citizen can hold property only so long as the 654 deputies do not want it. It seemed to me that an exploded doctrine once current among them of ‘the divine right of kings,’ had simply been changed into the divine right of Parliaments.

“I was at first inclined to think that the constitution of things on the Earth was totally different from what it is with us; for the current political philosophy here, implies that acts are not right or wrong in themselves, but become one or the other by the votes of law-makers. In our world it is considered manifest that if a number of beings live together, there must, in virtue of their natures, be certain primary conditions on which only they can work satisfactorily in concert; and that the conduct which breaks through these conditions is bad. In the English legislature, however, a proposal to regulate conduct by any such abstract standard would be held absurd. I asked one of their members of Parliament whether a majority of the House could legitimize murder. He said, No. I asked him whether it could sanctify robbery. He thought not. But I could not make him see that if murder and robbery are intrinsically wrong, and not to be made right by decisions of statesmen, that similarly *all* actions must be either right or wrong, apart from the authority of the law; and that, if the right and wrong of the law are not in harmony with this intrinsic right and wrong, the law itself is criminal. Some, indeed, among

the English think as we do. One of their remarkable men (*not* included in their Assembly of Notables) writes thus :

“ ‘To ascertain better and better what the will of the Eternal was and is with us, what the laws of the Eternal are, all Parliaments, Ecumenic Councils, Congresses, and other Collective Wisdoms, have had this for their object. . . . Nevertheless, in the inexplicable universal votings and debates of these Ages, an idea or rather a dumb presumption to the contrary has gone idly abroad ; and at this day, over extensive tracts of the world, poor human beings are to be found, whose practical belief it is that if we “ vote ” this or that, so this or that will thenceforth be. . . . Practically, men have come to imagine that the Laws of this Universe, like the laws of constitutional countries, are decided by voting. . . . It is an idle fancy. The Laws of this Universe, of which if the Laws of England are not an exact transcript, they should passionately study to become such, are fixed by the everlasting congruity of things, and are not fixable or changeable by “ voting ! ” ’ ”

“ But I find that, contemptuously disregarding all such protests, the English legislators persevere in their hyper-atheistic notion, that an Act of Parliament duly enforced by State-officers, will work out any object ; no question being put whether Laws of Nature permit. I forgot to ask whether they considered that different kinds of food could be made wholesome or unwholesome by State-decree.

“ One thing that struck me, was the curious way in which the members of their House of Commons judge of each others’ capacities. Many who expressed opinions of the crudest kind, or trivial platitudes, or worn-out superstitions, were very civilly treated. Follies as great as that but a few years since uttered by one of their ministers, who said that free trade was contrary to common sense, were received in silence. But I was present when one of their number, who as I thought was speaking very

rationally, made a mistake in his pronunciation—made what they call a wrong quantity; and immediately there arose a shout of derision. It seemed quite tolerable that a member should know little or nothing about the business he was there to transact; but quite intolerable that he should be ignorant on a point of no moment.

“The English pique themselves on being especially practical—have a great contempt for theorizers, and profess to be guided exclusively by facts. Before making or altering a law, it is the custom to appoint a committee of inquiry, who send for men able to give information concerning the matter in hand, and ask them some thousands of questions. These questions, and the answers given to them, are printed in large books, and distributed among the members of the Houses of Parliament; and I was told that they spent about £100,000 a year in thus collecting and distributing evidence. Nevertheless, it appeared to me that the ministers and representatives of the English people, pertinaciously adhere to theories long ago disproved by the most conspicuous facts. They pay great respect to petty details of evidence, but of large truths they are quite regardless. Thus, the experience of age after age, has shown that their state-management is almost invariably bad. The national estates are so miserably administered as often to bring loss instead of gain. The government ship-yards are uniformly extravagant and inefficient. The judicial system works so ill, that most citizens will submit to serious losses rather than run risks of being ruined by law-suits. Countless facts prove the Government to be the worst owner, the worst manufacturer, the worst trader: in fact, the worst manager, be the thing managed what it may. But though the evidence of this is abundant and conclusive—though during a recent war the bunglings of officials were as glaring and multitudinous as ever; yet the belief that any proposed

duties will be satisfactorily discharged by a new public department appointed to them, seems not a whit the weaker. Legislators, thinking themselves practical, cling to the plausible theory of an officially-regulated society, spite of overwhelming evidence that official regulation perpetually fails.

"Nay, indeed, the belief seems to gain strength among these fact-loving English statesmen; notwithstanding the facts are against it. Proposals for State-control over this and the other, have been of late more rife than ever. And, most remarkable of all, their representative assembly lately listened with grave faces to the assertion, made by one of their high authorities, that State-workshops are more economical than private workshops. Their prime minister, in defending a recently-established arms-factory, actually told them that at one of their arsenals, certain missiles of war were manufactured not only better than by the trade, but at about one-third the price; and added, '*so it would be in all things.*' The English being a trading people, who must be tolerably familiar with the usual rates of profits among manufacturers, and the margin for possible economy, the fact that they should have got for their chief representative one so utterly in the dark on these matters, struck me as a wonderful result of the representative system.

"I did not inquire much farther, for it was manifest that if these were really their wisest men, the English were not a wise people."

Representative government, then, cannot be called a success, in so far as the choice of men is concerned. Those it puts into power are the fittest neither in respect of their interests, their culture, nor their wisdom. And as a consequence, partly of this and partly of its complex and cumbrous nature, representative government is any thing

but efficient for administrative purposes. In these respects it is manifestly inferior to monarchical government. This has the advantage of simplicity; which is always conducive to efficiency. And it has the further advantage that the power is in the hands of one who is directly concerned in the good management of national affairs: seeing that the continued maintenance of his power—nay, often his very life—depends on this. For his own sake a monarch chooses the wisest counsellors he can find, regardless of class-distinctions. His interest in getting the best help, is too great to allow of prejudices standing between him and a far-seeing man. We see this abundantly illustrated. Did not the kings of France take Richelieu, and Mazarin, and Turgot to assist them? Had not Henry VIII. his Wolsey, Elizabeth her Burleigh, James his Bacon, Cromwell his Milton? And where not these men of greater calibre than those who hold the reins under our constitutional *régime*? So strong is the motive of an autocrat to make use of ability wherever it exists, that he will take even his barber into council if he finds him a clever fellow. Besides choosing them for ministers and advisers, he seeks out the most competent men for other offices. Napoleon raised his marshals from the ranks; and owed his military success in great part to the readiness with which he saw and availed himself of merit wherever found. We have recently seen in Russia, how prompt was the recognition and promotion of engineering talent in the case of Todtleben; and know to our cost how greatly the prolonged defence of Sebastopol was due to this.

In the marked contrast to these cases supplied by our own army, in which genius is ignored while muffs are honoured—in which wealth and caste make the advance of plebeian merit next to impossible—and in which jealousies between Queen's service and Company's service render the best generalship almost unavailable—we see

that the representative system fails in the officering of its executive, as much as in the officering of its legislative. A striking antithesis between the actions of the two forms of government, is presented in the evidence given before the Sebastopol Committee respecting the supply of huts to the Crimean army—evidence showing that while, in his negotiations with the English Government, the contractor for the huts met with nothing but vacillation, delay, and official rudeness; the conduct of the French Government was marked by promptitude, decision, sound judgment, and great civility. Every thing goes to show that for administrative efficiency, autocratic power is the best. If your aim is a well-organized army—if you want to have sanitary departments, and educational departments, and charity-departments, managed in a business-like way—if you would have society actively regulated by staffs of State-agents; then by all means choose that system of complete centralization which we call despotism.

Probably, notwithstanding the hints dropped at the outset, most have read the foregoing pages with surprise. Very likely some have referred to the cover of the *Review*, to see whether they have not, in mistake, taken up some other than the "*Westminster*," while some may, perhaps, have accompanied their perusal by a running commentary of epithets condemnatory of our seeming change of principles. Let them not be alarmed. We have not in the least swerved from the confession of faith set forth in our prospectus. On the contrary, as we shall shortly show, our adhesion to free institutions is as strong as ever—nay, has even gained strength through this apparently antagonistic criticism.

The subordination of a nation to a man, is not a wholesome but a vicious state of things: needful, indeed, for a

vicious humanity; but to be outgrown as fast as may be. The instinct which makes it possible is any thing but a noble one. Call it "hero-worship," and it looks respectable. Call it what it is—a blind awe and fear of power, no matter of what kind, but more especially of the brutal kind; and it is by no means to be admired. Watch it in early ages deifying the cannibal chief; singing the praises of the successful thief; commemorating the most blood-thirsty warriors; speaking with reverence of those who had shown undying revenge; and erecting altars to such as carried furthest the vices which disgrace humanity; and the illusion disappears. Read how, where it was strongest, it immolated crowds of victims at the tomb of the dead king—how, at the altars raised to its heroes, it habitually sacrificed prisoners and children to satisfy their traditional appetite for human flesh—how it produced that fealty of subjects to rulers which made possible endless aggressions, battles, massacres, and horrors innumerable—how it has mercilessly slain those who would not lick the dust before its idols;—read all this, and the feeling no longer seems so worthy an one. See it in later days idealizing the worst as well as the best monarchs; receiving assassins with acclamation; hurrahing before successful treachery; rushing to applaud the procession and shows and ceremonies wherewith effete power strengthens itself; and it looks far from laudable. Autocracy presupposes inferiority of nature on the part of both ruler and subject: on the one side a cold, unsympathetic sacrificing of others' wills to self-will; on the other side a mean, cowardly abandonment of the claims of manhood.

Our very language bears testimony to this. Do not *dignity, independence*, and other words of approbation, imply a nature at variance with this relation? Are not *tyrannical, arbitrary, despotic*, epithets of reproach? and

are not *truckling*, *fawning*, *cringing*, epithets of contempt? Is not *slavish* a condemnatory term? Does not *servile*, that is, serf-like, imply littleness, meanness? And has not the word *villain*, which originally meant bondsman, come to signify every thing which is hateful? That language should thus inadvertently embody the dislike of mankind for those who most display the instinct of subordination, is alone sufficient proof that this instinct is associated with evil dispositions. It has been the parent of countless crimes. It is answerable for the torturing and murder of the noble-minded who would not submit—for the horrors of Bastiles and Siberias. It has ever been the represser of knowledge, of free thought, of true progress. In all times it has fostered the vices of courts, and made those vices fashionable throughout nations. With a George IV. on the throne, it weekly tells ten thousand lies, in the shape of prayers for a “most religious and gracious king.” And even now it is daily guilty of falsehood, in selling and buying portraits which every one knows to be utterly untrue. Whether you read the annals of the far past—whether you look at the various uncivilized races dispersed over the globe—or whether you contrast the existing nations of Europe; you equally find that submission to authority decreases as morality and intelligence increase. From ancient warrior-worship down to modern flunkeyism, the sentiment has ever been strongest where human nature has been vilest.

This relation between barbarism and loyalty, is one of those beneficent arrangements which “the servant and interpreter of nature” everywhere meets with. The subordination of many to one, is a form of society needful for men so long as their natures are savage, or anti-social; and that it may be maintained, it is needful that they should have an extreme awe of the one. Just in proportion as their conduct to each other is such as to breed par-



petual antagonism, endangering social union; just in that proportion must there be a reverence for the strong, determined, cruel ruler, who alone can repress their explosive natures, and keep them from mutual destruction. Among such a people any form of free government—supposing as it does some share of equitable feeling and self-control in those concerned—is an impossibility: there must be a despotism as stern as the people are savage; and that such a despotism may exist, there must be a superstitious worship of the despot. But fast as the discipline of social life modifies the human character—as fast as, through lack of use, the old predatory, aggressive instincts dwindle—as fast as, by constant exercise, the sympathetic feelings grow; so fast does this hard rule become less necessary; so fast does the authority of the ruler diminish; so fast does the awe of him disappear. From being originally god, or demi-god, he comes at length to be a very ordinary person; liable to be criticized, ridiculed, caricatured.

Various influences conspire to this result. Accumulating knowledge gradually divests the ruler of those supernatural attributes at first ascribed to him. The conceptions which developing science gives of the grandeur of creation, as well as the constancy and irresistibleness of its Omnipresent Cause, make all feel the comparative littleness of human power; and the awe once felt for the great man, is, by degrees, transferred to that Universe of which the great man is seen to form but an insignificant part. Continued increase of population, with its average percentage of great men, involves the comparative frequency of such; and the more numerous they are, the less respect can be given to each: they dwarf each other. As society gets settled and organized, its welfare and progress become more and more independent of any one. In a primitive society, the death of a chief may alter the

whole course of things ; but in a society like ours, things go on much as before, no matter who dies. Thus, many influences combine to diminish autocratic power, whether political or other. It is true, not only in the sense in which Tennyson writes it, but also in a higher sense, that—

“The individual withers, and the world is more and more.”

Further, it is to be noted that while the unlimited authority of the greatest man ceases to be needful; and while the superstitious awe which upholds that unlimited authority dwindles; it at the same time becomes impossible to get the greatest man to the top. In a rude social state, where might is right, where war is the business of life, where the qualities required in the ruler, alike for controlling his subjects and defeating his enemies, are bodily strength, courage, cunning, will, it is easy to pick out the best; or rather—he picks himself out. The qualities which make him the fittest governor for the barbarians around him, are the qualities by which he gets the mastery over them. But, in an advanced, complex, and comparatively peaceful state like ours, these are not the qualities needed (and even were they needed, the firmly-organized arrangements of society do not allow the possessor of them to break through to the top). For the rule of a settled, civilized community, the characteristics required are—not a love of conquest, but a desire for the general happiness; not undying hate of enemies, but a calm dispassionate equity; not artful manœuvring, but philosophic insight. How is the man most endowed with these to be found? In no country is he ordinarily born heir to the throne; and that he can be chosen out of thirty millions of people none will be foolish enough to think. The incapacity for recognizing the greatest worth, we have already seen illustrated in our parliamentary elections.

And if the few thousands forming a constituency, cannot pick out from among themselves their wisest man; still less can the millions forming a nation do it. Just as fast as society becomes populous, complex, peaceful, so fast does the political supremacy of the best become impossible.

But even were the relation of autocrat and slave a morally wholesome one; and even were it possible to find the fittest man to be autocrat; we should still contend that such a form of government is bad. We should not contend this simply on the ground that self-government is a valuable educator. But we should take the ground that no human being, however wise and good, is fit to be sole ruler over the doings of an involved society; and that, with the best intentions, a benevolent despot is very likely to produce the most terrible mischiefs, which would else have been impossible. We will take the case of all others the most favourable to those who would give supreme power to the best. We will instance Mr. Carlyle's model hero—Cromwell. Doubtless there was much in the manners of the times when Puritanism arose, to justify its disgust. Doubtless the vices and follies bequeathed by effete Catholicism still struggling for existence, were bad enough to create a reactionary asceticism. It is in the order of Nature, however, that men's habits and pleasures are not to be changed suddenly. For any *permanent* effect to be produced, it must be produced slowly. Better tastes, higher aspirations, must be developed; not enforced from without.

Disaster is sure to result from the withdrawal of lower gratifications before higher ones have taken their place. For gratification of some kind is a condition to healthful existence. Whatever ascetic morality, or rather immorality, may say, pleasures and pains are the incentives and restraints by which Nature keeps her progeny from

destruction. No contemptuous title of "pig-philosophy" will alter the eternal fact, that Misery is the highway to Death; while Happiness is added Life, and the giver of Life. But indignant Puritanism could not see this truth; and with the extravagance of fanaticism sought to abolish pleasure in general. Getting into power, it put down not only questionable amusements, but all others along with them. And for these repressions, Cromwell, either as enacting, maintaining, or allowing them, was responsible. What, now, was the result of this attempt to drag men into virtue? What came when the strong man, who thought he was thus "helping God to mend all," died? A dreadful reaction brought in one of the most degraded periods of our history. Into the newly-garnished house entered "seven other spirits more wicked than the first." For generations the English character was lowered: vice was gloried in, virtue was ridiculed; dramatists made marriage the stock-subject of laughter; profaneness and obscenity flourished; high aspirations ceased; the whole age was corrupt. Not until George III. reigned was there a better standard of living. And for this century of demoralization we have, in great measure, to thank Cromwell. Is it, then, so clear that the domination of one man, righteous though he may be, is a blessing?

Lastly, it is to be remarked that when the political supremacy of the greatest no longer exists in an overt form, it still continues in a disguised and more beneficent form. For is it not manifest, that in these latter days the wise man eventually gets his edicts enforced by others, if not by himself? Adam Smith, from his chimney-corner, dictated greater changes than prime ministers do. A General Thompson who forges the weapons with which the Anti-Corn-Law battle is fought—a Cobden and a Bright who add to and wield them, forward civilization much more than those who hold sceptres. Repugnant as

the fact may be to statesmen, it is yet one which cannot be gainsayed. Whoever, to the great effects already produced by Free-trade, joins the far greater effects that will be hereafter produced, not only on ourselves but on all the other nations who must adopt our policy, must see that the revolution initiated by these men is far wider than has been initiated by any potentate of modern times. As Mr. Carlyle very well knows, those who elaborate new truths and teach them to their fellows, are now-a-days the real rulers—"the unacknowledged legislators"—the virtual kings. From afar off, those who sit on thrones and form cabinets are perceived to be but the servants of such. And then note that the power thus indirectly exercised, is no longer a dangerous one; but one that is almost uniformly beneficial. For when, as with ourselves, the dicta of the Thinker cannot get established in law until after a long battle of opinion—when they have to prove their fitness for the Time by conquering Time; we have a guarantee that no great changes which are ill-considered or premature can be brought about. We have the good which great men can do us, while we are saved from the evil.

No; the old régime has passed away, never to return. For ourselves at least, the subordination of the many to the one, has become alike needless, repugnant, and impossible. Good for its time, bad for ours, the ancient "hero-worship" is dead; and happily no declamations, be they never so eloquent, can revive it.

Here seem to be two irreconcilable positions—two mutually-destructive arguments. First, a condemnatory criticism on representative government, and then a still more condemnatory criticism on monarchical government: each apparently abolishing the other.

Nevertheless, the paradox is easily explicable. It is

quite possible to say all that we have said concerning the defects of representative government, and still to hold that it is the best form of government. Nay, it is quite possible to derive a more profound conviction of its superiority from the very evidence which appears so unfavourable to it.

For nothing that we have urged tells against its goodness as a means of securing justice between man and man, or class and class. Abundant evidence shows that the maintenance of equitable relations among its subjects, which forms the essential business of a ruling power, is surest when the ruling power is of popular origin; notwithstanding the defects to which such a ruling power is liable. For discharging the true function of a government, representative government is shown to be the best, alike by its *origin*, its *theory*, and its *results*. Let us glance at the facts under these three heads.

Alike in Spain, in England, and in France, popular power embodied itself as a check upon kingly tyranny, that is—kingly injustice. The earliest accounts we have of the Spanish Cortes, say that it was their office to advise the King; and to follow their advice was his duty. They petitioned, remonstrated, complained of grievances, and supplicated for redress. The King, having acceded to their requirements, swore to observe them; and it was agreed that any act of his in contravention of the statutes thus established, should be “respected as the King’s commands, but not executed, as contrary to the rights and privileges of the subject.” In all which we see very clearly that the special aim of the Cortes was to get rectified the injustices committed by the King or others; that the King was in the habit of breaking the promises of amendment he made to them; and that they had to adopt measures to enforce the fulfilment of his promises.

In England we trace analogous facts. The Barons who bridled the tyranny of King John, though not formally appointed, were virtually impromptu representatives of the nation; and in their demand that justice should neither be sold, denied, nor delayed, we discern the social evils which led to this taking of the power into their own hands. In early times the knights and burgesses, summoned by the King with the view of getting supplies from them, had for their especial business to obtain from him the redress of grievances, that is—the execution of justice; and in their eventually-obtained and occasionally-exercised power of withholding supplies until justice was granted, we see both the need there was for remedying the inequities of autocracy, and the adaptation of representative institutions to this end. And the further development of popular power latterly obtained, originated from the demand for fairer laws—for less class-privilege, class-exemption, class-injustice: a fact which the speeches of the Reform-Bill agitation abundantly prove. In France, again, representative government grew into a definite form under the stimulus of unbearable oppression. When the accumulated extortion of centuries had reduced the mass of the people to misery—when millions of haggard faces were seen throughout the land—when starving complainants were hanged on “a gallows forty feet high”—when the exactions and cruelties of good-for-nothing kings and vampyre-nobles had brought the nation to the eve of dissolution; there came, as a remedy, an assembly of men elected by the people.

That, considered *à priori*, representative government is fitted for establishing just laws, is implied by the unanimity with which Spanish, English, and French availed themselves of it to this end; as well as by the endeavours latterly made by other European nations to do the like. The *rational* of the matter is simple enough. Manifestly,

on the average of cases, a man will protect his own interests more solicitously than others will protect them for him. Manifestly, where regulations have to be made affecting the interests of several men, they are most likely to be equitably made when all those concerned are present, and have equal shares in the making of them. And manifestly, where those concerned are so numerous and so dispersed, that it is physically impossible for them all to take part in the framing of such regulations, the next best thing is for the citizens in each locality to appoint one of their number to speak for them, to care for their claims, to be their representative. The general principle is, that the welfare of all will be most secure when each looks after his own welfare; and the principle is carried out as directly as the circumstances permit. It is inferable, alike from human nature and from history, that a single man cannot be trusted with the interests of a nation of men, where his real or imagined interests clash with theirs. It is similarly inferable from human nature and from history, that no small section of a nation, as the nobles, can be expected to consult the welfare of the people at large in preference to their own. And it is further inferable that only in a general diffusion of political power, is there a safeguard for the general welfare.

This has all along been the conviction under which representative government has been advocated, maintained, and extended. From the early writs that summoned the members of the House of Commons—writs which declared it to be a most equitable rule that the laws which concerned all should be approved of by all—down to the reasons now urged by the unenfranchised for a participation in political power; this is the implied theory. Observe, nothing is said about wisdom or administrative ability. From the beginning, the end in view has been *justice*. Whether we consider the question in the abstract,



or whether we examine the opinions men have entertained upon it from old times down to the present day, we equally see the theory of representative government to be, that it is the best means of insuring equitable social relations.

And do not the results justify the theory? Did not our early Parliaments, after long-continued struggles, succeed in curbing the licentious exercise of royal power; and in establishing the rights of the subject? Are not the comparative security and justice enjoyed under our form of government, indicated by the envy with which other nations regard it? Was not the election of the French Constituent Assembly followed by the sweeping away of the grievous burdens that weighed down the people—by the abolition of tithes, seignorial dues, gabelle, excessive preservation of game—by the withdrawal of numerous feudal privileges and immunities—by the manumission of the slaves in the French colonies? And has not that extension of our own electoral system embodied in the Reform-Bill, brought about more equitable arrangements?—as witness the repeal of the Corn-Laws, and the equalization of probate and legacy duties. The proofs are undeniable. It is clear, both *a priori* and *a posteriori*, that representative government is especially adapted for the establishment and maintenance of just laws.

And now mark that the objections to representative government awhile since urged, scarcely tell against it at all, so long as it does not exceed this comparatively limited function. Though its mediocrity of intellect makes it incompetent to oversee and regulate the countless involved processes which make up the national life; it nevertheless has quite enough intellect to enact and enforce those simple principles of equity which underlie the right conduct of citizens to each other. These are such

that the commonest minds in a civilized community can understand their chief applications. Stupid as may be the average elector, he can see the propriety of such regulations as shall prevent men from murdering and robbing each other; he can understand the fitness of laws which enforce the payment of debts; he can perceive the need of measures to prevent the strong from tyrannizing over the weak; and he can feel the rectitude of a judicial system that is the same for rich and poor. The average representative may be but of small capacity, but he is competent, under the leadership of his wiser fellows, to devise appliances for carrying out these necessary restraints; or rather—he is competent to uphold the set of appliances slowly elaborated by the many generations of his predecessors, and to do something towards improving and extending them in those directions where the need is most manifest. It is true that even these small demands upon electoral and senatorial wisdom are but imperfectly met.

But though constituencies are blind to the palpable truth, that if they would escape laws which favour the nobility at the expense of the commonalty, they must cease to choose representatives from among the nobility; yet when the injustice of this class-legislation is glaring—as in the case of the Corn-Laws—they have sense enough to use means for getting it abolished. And though most legislators have not sufficient penetration to perceive that the greater part of the evils which they attempt to cure by official inspection and regulation, would disappear were there a certain, prompt, and cheap administration of justice; yet, the County-Courts-Act, and other recent law-reforms, show that they do eventually recognize the importance of more efficient judicial arrangements. While, therefore, the lower average of intelligence which necessarily characterizes representative government, unfits it for discharging the complex business of regulating the entire

national life ; it does not unfit it for discharging the comparatively simple duties of protector. Again, in respect of this original, all-essential function of a government, there is a much clearer identity of interest between representative and citizen, than in respect of the multitudinous other functions which governments undertake. Though it is generally of but little consequence to the member of Parliament whether state-teachers, state-preachers, state-officers of health, state-dispensers of charity, etc., do their work well ; it is of great personal consequence to him that life and property should be secure : and hence he is more likely to care for the efficient administration of justice, than for the efficient administration of any thing else.

Moreover, the complexity, incongruity of parts, and general cumbrousness which deprive a representative government of that activity and decision required for paternally superintending the affairs of thirty millions of citizens ; do not deprive it of the ability to establish and maintain the regulations by which these citizens are prevented from trespassing against each other. For the principles of equity are permanent as well as simple ; and once having been legally embodied in their chief outlines, all that devolves on a government is to develop them more perfectly, and improve the appliances for enforcing them : an undertaking for which the slow and involved action of a representative government does not unfit it. So that while by its origin, theory, and results, representative government is shown to be the best for securing justice between class and class, as well as between man and man ; the objections which so strongly tell against it in all its other relations to society, do not tell against it in this fundamental relation.

Thus, then, we reach the solution of the paradox. Here is the reconciliation between the two seemingly contradictory positions awhile since taken. To the question—

What is representative government good for? our reply is—It is good, especially good, good above all others, for doing the thing which a government should do. It is bad, especially bad, bad above all others, for doing the things which a government should not do.

One point remains. We said, some distance back, that not only may representative government be the best, notwithstanding its many conspicuous deficiencies; but that it is even possible to discern in these very deficiencies further proofs of its superiority. The conclusion just arrived at, implying, as it does, that these deficiencies tend to hinder it from doing the things which no government should do, has already furnished a key to this strange-looking assertion. But it will be well here to make a more specific justification of it. This brings us to the pure science of the matter.

The ever-increasing complexity which characterizes advancing societies, is a complexity that results from the multiplication of different parts performing different duties. The doctrine of the division of labour, is now-a-days understood by most to some extent; and most knew that by this division of labour, each operative, each manufacturer, each town, each district, is constantly more and more restricted to one kind of work. Those who study the organization of living bodies, find the uniform process of development to be, that each organ gradually acquires a definite and limited function: there arises, step by step, a more perfect "physiological division of labour." And in an article on "Progress: its Law and Cause," published in our April number, we pointed out that this increasing specialization of functions which goes on in all organized bodies, social as well as individual, is one of the manifestations of a still more general process pervading creation, inorganic as well as organic.

Now this specialization of functions, which is the law of all organization, has a twofold implication. At the same time that each part grows adapted to the particular duty it has to discharge, it grows unadapted to all other duties. The becoming especially fit for one thing, is a becoming less fit than before for every thing else. We have not space here to exemplify this truth. Any modern work on physiology, however, will furnish the reader with abundant illustrations of it, as exhibited in the evolution of living creatures; and as exhibited in the evolution of societies, it may be studied in the writings of political economists. All which we wish here to point out is, that the governmental part of the body politic exemplifies this truth equally with its other parts. In virtue of this universal law, a government cannot gain ability to perform its special work, without losing such ability as it had to perform other work.

This then is, as we say, the pure science of the matter. The original and essential office of a government is that of protecting its subjects against aggression. In low, undeveloped forms of society, where yet there is but little differentiation of parts, and little specialization of functions, this essential work, discharged with extreme imperfection, is joined with endless other work: the government has a controlling action over all conduct, individual and social—regulates dress, food, ablutions, prices, trade, religion—exercises unbounded power. In becoming so constituted as to discharge better its essential function, the government becomes more limited alike in the power and the habit of doing other things. Increasing ability to perform its true duty, involves increasing inability to perform all other kinds of action. And this conclusion, deducible from the universal law of organization, is the conclusion to which inductive reasoning has already led us. We have seen that, whether considered in theory or practice,

representative government is the best for securing justice. We have also seen that, whether considered in theory or practice, it is the worst for all other purposes. And here we find that this last characteristic is a necessary accompaniment of the first. These various incapacities, which seem to tell so seriously against the goodness of representative government, are but the inevitable consequences of its more complete adaptation to its proper work; and, so understood, are themselves indications that it is the form of government natural to a more highly-organized and advanced social state.

We do not expect this consideration to weigh much with those whom it most concerns. Truths of so abstract a character find no favour with senates. The metamorphosis we have described is not mentioned in Ovid. History as at present written, makes no comments on it. There is nothing about it to be found in blue-books and committee-reports. Neither is it proved by statistics. Evidently, then, it has but small chance of recognition by the "practical" legislator. But to the select few who study the Social Science, properly so called, we commend this general fact as one of the highest significance. Those who know something of the general laws of life, and who perceive that these general laws of life underlie all social phenomena, will see that this dual change in the character of advanced governments, involves an answer to the first of all political questions. They will see that this specialization in virtue of which an advanced government gains power to perform one function, while it loses power to perform others, clearly indicates the true limitations of State-duty. They will see that, even leaving out all other evidence, this fact alone shows conclusively what is the proper sphere of legislation.

## VI

### PRISON-ETHICS.

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THE two antagonist theories of morals, like many other antagonist theories, are both right and both wrong. The *à priori* school has its truth; the *à posteriori* school has its truth; and for the proper guidance of conduct, there must be due recognition of both. On the one hand, it is asserted that there is an absolute standard of rectitude; and, respecting certain classes of actions, it is rightly so asserted. From the fundamental laws of life and the conditions of social existence, are deducible certain imperative limitations to individual action—limitations which are essential to a perfect life, individual and social; or, in other words, essential to the greatest possible happiness. And these limitations, following inevitably as they do from undeniable first principles, deep as the nature of life itself, constitute what we may distinguish as absolute morality.

On the other hand, it is contended, and in a sense rightly contended, that with men as they are, and society as it is, the dictates of absolute morality are impracticable. Legal control, which involves the infliction of pain, alike on those who are restrained and on those who pay the cost of restraining them, is proved by this fact to be not

absolutely moral; seeing that absolute morality is the regulation of conduct in such way that pain shall not be inflicted. Wherefore, if it be admitted that legal control is at present indispensable, it must be admitted that these *a priori* rules cannot be immediately carried out. And hence it follows that we must adapt our laws and actions to the existing character of mankind—that we must estimate the good or evil resulting from this or that arrangement, and so reach, *a posteriori*, a code fitted for the time being. In short, we must fall back on expediency. Now, each of these positions being valid, it is a grave mistake to adopt either to the exclusion of the other. They should be respectively appealed to for mutual qualification. Progressing civilization, which is of necessity a succession of compromises between old and new, requires a perpetual readjustment of the compromise between the ideal and the practicable in social arrangements: to which end both elements of the compromise must be kept in view. If it is true that pure rectitude prescribes a system of things far too good for men as they are; it is not less true that mere expediency does not of itself tend to establish a system of things any better than that which exists. While absolute morality owes to expediency the checks which prevent it from rushing into utopian absurdities; expediency is indebted to absolute morality for all stimulus to improvement.

Granted that we are chiefly interested in ascertaining what is *relatively right*; it still follows that we must first consider what is *absolutely right*; since the one conception presupposes the other. That is to say, though we must ever aim to do what is best for the present times, yet we must ever bear in mind what is abstractedly best; so that the changes we make may be *towards* it, and not *away* from it. Unattainable as pure rectitude is, and may long continue to be, we must keep an eye on the compass which



tells us whereabouts it lies ; or we shall otherwise be liable to wander in some quite opposite direction.

Illustrations from our recent history will show very conclusively, we think, how important it is that considerations of abstract expediency should be joined with those of concrete expediency—how immense would be the evils avoided and the benefits gained, if *a posteriori* morality were enlightened by *a priori* morality. Take first the case of free trade. Until recently it has been the practice of all nations in all times, artificially to restrict their commerce with other nations. Throughout past centuries this course may have been defensible as conducing to safety. Without saying that lawgivers had the motive of promoting industrial independence, it may yet be said that in ages when national quarrels were perpetual, it would not have been well for any people to be much dependent on others for necessary commodities. But though there is this ground for asserting that commercial restrictions were once expedient, it cannot be asserted that our corn-laws were thus justified : it cannot be alleged that the penalties and prohibitions which, until lately, hampered our trade, were needful to prevent us from being industrially disabled by a war. Protection in all its forms was established and maintained for other reasons of expediency ; and the reasons for which it was opposed and finally abolished were also those of expediency. Calculations of immediate and remote consequences were set forth by the antagonist parties ; and the mode of decision was by a balancing of these various anticipated consequences.

And what, after generations of mischievous legislation and long years of arduous struggle, was the conclusion arrived at, and since justified by the results ? Exactly the one which abstract equity plainly teaches. The moral course proves to be the politic course. That ability to

exercise the faculties, the total denial of which causes death—that liberty to pursue the objects of desire, without which there cannot be complete life—that freedom of action which his nature prompts every individual to claim, and on which equity puts no limit save the like freedom of action of other individuals, involves, among other corollaries, freedom of exchange. Government which, in protecting citizens from murder, robbery, assault, or other aggression, shows us that it has the all-essential function of securing to each this free exercise of faculties within the assigned limits, is called on, in the due discharge of its function, to maintain this freedom of exchange; and cannot abrogate it without reversing its function, and becoming aggressor instead of protector. Thus, absolute morality would all along have shown in what direction legislation should tend. Qualified only by the consideration that in turbulent times they must not be so carried out as to endanger national life, through suspensions in the supply of necessities, these *a priori* principles would have guided statesmen, as fast as circumstances allowed, towards the normal condition. We should have been saved from thousands of needless restrictions. Such restrictions as were needful would have been abolished as soon as was safe. An enormous amount of suffering would have been prevented. That prosperity which we now enjoy would have commenced much sooner. And our present condition would have been one of far greater power, wealth, happiness, and morality.

Our railway-politics furnish another instance. A vast loss of national capital has been incurred, and great misery has been inflicted, in consequence of the neglect of a simple principle clearly dictated by abstract justice. Whoso enters into a contract, though he is bound to do that which the contract specifies, is not bound to do some other thing which is neither specified nor implied in the con-

tract. We do not appeal to moral perception only in warranty of this position. It is one deducible from that first principle of equity which, as above pointed out, follows from the laws of life, individual and social; and it is one which the accumulated experience of mankind has so uniformly justified, that it has become a tacitly-recognized doctrine of civil law among all nations. In cases of dispute respecting agreements, the question brought to trial always is, whether the terms of the agreement bind one or other of the contracting parties to do this or that; and it is assumed as a matter of course, that neither of them can be called upon to do more than is expressed or understood in the agreement.

Now, this almost self-evident principle has been wholly ignored in railway-legislation. A shareholder, uniting with others to make and work a line from one specified place to another specified place, binds himself to pay certain sums in furtherance of the project; and, by implication, agrees to yield to the majority of his fellow-shareholders on all questions raised respecting the execution of this project. But he commits himself no further than this. He is not required to obey the majority concerning things not named in the deed of incorporation. Though with respect to the specified railway he has bound himself, he has not bound himself with respect to any *unspecified* railway which his co-proprietors may wish to make: and he cannot be committed to such unspecified railway by a vote of the majority. But this distinction has been wholly passed over. Shareholders in joint-stock undertakings, have been perpetually involved in various other undertakings subsequently decided on by their fellow-shareholders; and against their will have had their properties heavily mortgaged for the execution of projects that were ruinously unremunerative. In every case the proprietary contract for making a particular railway, has been dealt

with as though it were a proprietary contract for making railways! Not only have directors thus misinterpreted it, and not only have shareholders foolishly allowed it to be thus misinterpreted; but legislators have so little understood their duties, as to have constantly endorsed the misinterpretation. To this simple cause has been owing most of our railway-companies' disasters. Abnormal facilities for getting capital have caused reckless competition in extension-making and branch-making, and the projection of needless opposition lines, got up to be purchased by the companies they threatened. Had each new scheme been executed by an independent body of shareholders, without any guarantee from another company—without any capital raised by preference-shares, there would have been little or none of the ruinous expenditure we have seen. Something like a hundred millions of money would have been saved, and thousands of families preserved from misery, had the proprietary-contract been enforced according to the dictates of pure equity.

We think these cases go far to justify our position. The general reasons we gave for thinking that the ethics of immediate experience must be enlightened by abstract ethics, to ensure correct guidance, are strongly enforced by these instances of the gigantic errors that are made when abstract ethics are ignored. The complex estimates of relative expediency, cannot do without the clue furnished by the simple deductions of absolute expediency.

We propose to study the treatment of criminals from this point of view. And first, let us set down those temporary requirements which have hitherto prevented, and do still, in part, prevent the establishment of a perfectly just system.

The same average popular character which necessitates

a rigorous form of government, necessitates also a rigorous criminal code. Institutions are ultimately determined by the natures of the citizens living under them; and when these citizens are too impulsive or selfish for free institutions, and unscrupulous enough to supply the requisite staff of agents for maintaining tyrannical institutions, they are proved by implication to be citizens who will both tolerate, and will probably need, severe forms of punishment. The same mental defect underlies both results. The character which originates and sustains political liberty, is a character swayed by remote considerations—a character not at the mercy of immediate temptations, but one which contemplates the consequences likely to arise in future. We have only to remember that, among ourselves, a political encroachment is resisted, not because of any direct evil it inflicts, but because of the evils likely hereafter to flow from it, to see how the maintenance of freedom presupposes the habit of weighing distant results, and being chiefly guided by them.

Conversely, it is manifest that men who dwell only in the present, the special, the concrete—who do not realize with clearness the contingencies of the future—will put little value on those rights of citizenship which profit them nothing, save as a means of warding off unspecified evils that can possibly affect them only at a distant time in an obscure way. Well, is it not obvious that the forms of mind thus contrasted, will require different kinds of punishment for misconduct? To restrain the second, there must be penalties that are severe, prompt, and specific enough to be vividly conceived; while the first may be deterred by penalties that are less definite, less intense, less immediate. For the more civilized, dread of a long, monotonous, criminal discipline may suffice; but for the less civilized there must be inflictions of bodily pain and death. Thus we hold, not only that a social condition which gen-

erates a harsh form of government, also of necessity generates harsh retributions; but also, that in such a social condition, harsh retributions are requisite. And there are facts which illustrate this. Witness the case of one of the Italian states, in which the punishment of death having been abolished in conformity with the wish of a dying duchess, assassinations increased so greatly that it became needful to reestablish it.

Besides the fact that in the less-advanced stages of civilization, a bloody penal code is both a natural product of the time, and a needful restraint for the time; there must be noted the fact that a more equitable and humane code could not be carried out from want of fit administration. To deal with delinquents, not by short and sharp methods, but by such methods as abstract justice indicates, implies a class of agencies too complicated to exist under a low social state, and a class of officers more trustworthy than can be found among the citizens in such a state. Especially would the equitable treatment of criminals be impracticable where the amount of crime was very great. The number to be dealt with would be unmanageable. Some simpler method of purging the community of its worst members becomes, under such circumstances, a necessity.

The inapplicability of an absolutely just system of penal discipline to a barbarous or semi-barbarous people, is thus, we think, as manifest as is the inapplicability of an absolutely just form of government to them. And in the same manner that, for some nations, a despotism is warranted; so may a criminal code of the extremest severity be warranted. In either case the defence is, that the institution is as good as the average character of the people permits—that less stringent institutions would entail social confusion and its far more severe evils. Bad as a despotism is, yet where anarchy is the only alternative,

we must say that, as anarchy would bring greater suffering than despotism brings, despotism is justified by the circumstances. And similarly, however inequitable in the abstract were the beheadings, hangings, and burnings of ruder ages, yet, if it be shown that, without penalties thus extreme, the safety of society could not have been insured—if, in their absence, the increase of crime would have inflicted a larger total of evil, and that, too, on peaceable members of the community; then it follows that morality warranted this severity. In the one case, as in the other, we must say that, measured by the quantities of pain respectively inflicted and avoided, the course pursued was the *least wrong*; and to say that it was the least wrong is to say that it was *relatively right*.

But while we thus admit all that can be alleged by the defenders of Draconian codes, we go on to assert a correlative truth which they overlook. While fully recognizing the evils that must follow the premature establishment of a penal system dictated by pure equity, let us not overlook the evils that have arisen from altogether rejecting the guidance of pure equity. Let us note how terribly the one-sided regard for immediate expediency has retarded the ameliorations from time to time demanded.

Consider, for instance, the immense amount of suffering and demoralization needlessly caused by our severe laws in the last century. Those many merciless penalties which Romilly and others succeeded in abolishing, were as little justified by social necessities as by abstract morality. Experience has since proved that to hang men for theft, was not requisite for the security of property; and that such a measure was opposed to pure equity, scarcely needs saying. Evidently, had considerations of relative expediency been all along qualified by considerations of absolute expediency, these severities, with their

many concomitant evils, would have ceased long before they did.

Again, the dreadful misery, demoralization, and crime, generated by the harsh treatment of transported convicts, would have been impossible, had our authorities considered what seemed just as well as what seemed politic. There would never have been inflicted on transports the shocking cruelties proved before the Parliamentary Committee of 1848. We should not have had men condemned to the horrors of the chain-gang even for insolent looks. There could not have been perpetrated such an atrocity as that of locking up chain-gangs "from sunset to sunrise in the caravans or boxes used for this description of prisons, which hold from twenty to twenty-eight men, but in which the whole number *can neither stand upright nor sit down at the same time, except with their legs at right angles to their bodies.*" Men would never have been doomed to tortures extreme enough to produce despair, desperation, and further crimes—tortures under which "a man's heart is taken from him, and there is given to him the heart of a beast," as said by one of these law-produced criminals before his execution. We should not have been told, as by a chief justice of Australia, that the discipline was "*carried to an extent of suffering, such as to render death desirable, and to induce many prisoners to seek it under its most appalling aspects.*" Sir G. Arthur would not have had to testify that, in Van Diemen's Land, convicts committed murder for the purpose "*of being sent up to Hobart Town for trial, though aware that in the ordinary course they must be executed within a fortnight after arrival;*" nor would tears of commiseration have been drawn from Judge Burton's eyes, by one of these cruelly-used transports placed before him for sentence. In brief, had abstract equity joined with immediate expediency in devising convict discipline, not only would untold suffer



ing, degradation, and mortality have been prevented; but those who were responsible for atrocities like those above-named, would not themselves be chargeable with crime, as we now hold them to be.

Probably we shall meet with a less general assent when, as a further benefit which the guidance of absolute morality would have conferred, we instance the prevention of such methods as those in use at Pentonville. How the silent and the separate systems are negatived by abstract justice we shall by and by see. For the present, the position we have to defend is, that these systems are bad. That but a moderate percentage of the prisoners subjected to them are reconvicted, may be true; though, considering the fallaciousness of negative statistics, this by no means proves that those not reconvicted are reformed. But the question is not solely, how many prisoners are prevented from again committing crime? A further question is, how many of them have become self-supporting members of society? It is notorious that this prolonged denial of human intercourse not unfrequently produces insanity or imbecility; and on those who remain sane, its depressing influence must almost of necessity entail serious debility, bodily and mental.\*

Indeed, we think it probable that much of the apparent success is due to an enfeeblement which incapacitates for crime as much as for industry. Our own objection to such methods, however, has always been, that their effect on the moral nature is the very reverse of that required. Crime is anti-social—is prompted by self-regarding feelings, and checked by social feelings. The natural prompt-

\* Mr. Baillie-Cochrane says:—"The officers at the Dartmoor prison inform me that the prisoners who arrive there even after one year's confinement at Pentonville, may be distinguished from the others by their miserable downcast look. In most instances their brain is affected, and they are unable to give satisfactory replies to the simplest questions."

er of right conduct to others, and the natural opponent of misconduct to others, is sympathy; for out of sympathy grow both the kindly emotions, and that sentiment of justice which restrains us from aggressions. Well, this sympathy, which makes society possible, is cultivated by social intercourse. By habitual participation in the pleasures of others, the faculty is strengthened; and whatever prevents this participation, weakens it—an effect commonly illustrated in the selfishness of old bachelors. Hence, therefore, we contend that shutting up prisoners within themselves, or forbidding all interchange of feeling, inevitably deadens such sympathies as they have; and so tends rather to diminish than to increase the moral check to transgression. This *à priori* conviction, which we have long entertained, we now find confirmed by facts. Captain Maconochie states, as a result of observation, that a long course of separation so fosters the self-regarding desires, and so weakens the sympathies, as to make even well-disposed men very unfit to bear the little trials of domestic life on their return to their homes. Thus there is good reason to think that, while silence and solitude may cow the spirit or undermine the energies, it cannot produce true reformation.

“But how can it be shown,” asks the reader, “that these injudicious penal systems are inequitable? Where is the method which will enable us to say what kind of punishment is justified by absolute morality, and what kind is not?” These questions we will now attempt to answer.

So long as the individual citizen pursues the objects of his desires without diminishing the equal freedom of any of his fellow-citizens to do the like, society cannot equitably interfere with him. While he contents himself with the benefits won by his own energies, and attempts not to

intercept any of the benefits similarly won for themselves by others, or any of those which Nature has conferred on them; no legal penalties can rightly be inflicted on him. But when, by murder, theft, assault, or minor aggression, he has broken through these limits, the community is warranted alike by absolute and by relative expediency in putting him under restraint. On the relative expediency of doing this we need say nothing: it is demonstrated by social experience. Its absolute expediency not being so manifest, we will proceed to point out how it is deducible from the ultimate laws of life.

All life depends on the maintenance of certain natural relations between actions and their results. This is true of life in both its lowest and its highest forms. If respiration does not supply oxygen to the blood, as in the normal order of things it should do, but instead supplies carbonic acid, death very soon results. If the swallowing of food is not followed by the usual organic sequences—the contractions of the stomach, and the pouring into it of gastric juice—indigestion arises, and the energies flag. If active movements of the limbs fail in exciting the heart to supply blood more rapidly, or if the extra current propelled by the heart is greatly retarded by an aneurism through which it passes, speedy prostration ensues—vitality rapidly ebbs. In which, and endless like cases, we see that bodily life depends on the maintenance of the established connections between physiological causes and their consequences.

Among the intellectual processes, the same thing holds. If certain impressions made on the senses do not induce the appropriate muscular adjustments—if the brain is clouded with wine, or consciousness is preoccupied, or the perceptions are naturally obtuse; the bodily movements are so ill-controlled that accidents ensue. Where, as in paralytic patients, the natural link between mental

impressions and the appropriate movements is broken, the life is greatly vitiated. And when, as during insanity, evidence fitted, according to the usual order of thought, to produce certain convictions, produces convictions of an opposite kind; conduct is reduced to chaos, and life endangered or cut short. So it is with the more involved phenomena. Just as we here find that, throughout both its physical and intellectual divisions, healthful life implies continuance of the established successions of antecedents and consequents among our vital actions; so shall we find it throughout the moral division. In our dealings with external Nature and our fellow men, there are relations of cause and effect, on the maintenance of which, as on the maintenance of the internal ones above instanced, complete life depends. Conduct of this or that kind tends ever to bring results which are pleasurable or painful—action to bring its appropriate reaction; and the welfare of every one demands that these natural connections shall not be interfered with.

To speak more specifically, we see that in the order of Nature, inactivity entails want; and that, conversely, by activity are secured the means of material benefit. There is an ordained connection between exertion and the fulfilment of certain imperative needs. If, now, this ordained connection is broken—if labour of body and mind have been gone through, and the produce of the labour is intercepted by another, one of the conditions to complete life is unfulfilled. The defrauded person is physically injured by deprivation of the wherewithal to make good the wear and tear he had undergone; and if the robbery be continually repeated, he must die. Where all men are dishonest a reflex evil results. When, throughout a society, the natural relation between labour and its produce is habitually broken, the lives of many are not only directly undermined; but the lives of all are indirectly under-

mined by the destruction of the motive for labour, and by the consequent poverty. Thus, to demand that there shall be no breach of the normal sequence between labour and the benefits obtained by labour, is to demand that the laws of life shall be respected.

What we call the right of property, is simply a corollary from certain necessary conditions to complete existence: it is a formulated recognition of the necessary relation between expenditure of force and the need for force-sustaining objects obtainable by the expenditure of force—a recognition in full of a relation which cannot be wholly ignored without causing death. And all else regarded as individual rights, are indirect implications of like nature—similarly insist on certain relations between man and man, as conditions without which there cannot be completely maintained that correspondence between inner and outer actions which constitutes life. It is not, as some moralists have absurdly asserted, that such rights are derived from human legislation; nor is it, as asserted by others with absurdity almost as great, that there is no basis for them save the inductions of immediate expediency. These rights are deducible from the established connections between our acts and their results. As certainly as there are conditions which must be fulfilled before life can exist, so certainly are there conditions which must be fulfilled before complete life can be enjoyed by the respective members of a society; and those which we call the requirements of justice, simply answer to the most important of such conditions.

Hence, if life is our legitimate aim—if absolute morality means, as it does, conformity to the laws of complete life; then absolute morality warrants the restraint of those who force their fellow-citizens into non-conformity. Our justification is, that life is impossible save under certain conditions; that it cannot be perfect unless these conditions are

maintained unbroken; and that if it is right for us to live, it is right for us to remove any one who either breaks these conditions in our persons or constrains us to break them.

Such being the basis of our right to coerce the criminal, there next come the questions:—What is the legitimate extent of the coercion? Can we from this source derive authority for certain demands on him? and are there any similarly-derived limits to such demands? To both these questions there are affirmative answers.

First, we find authority for demanding restitution or compensation. Conformity to the laws of life being the substance of absolute morality; and the social regulations which absolute morality dictates, being those which make this conformity possible; it is a manifest corollary that whoever breaks these regulations, may be justly required to undo, as far as possible, the wrong he has done. The object being to maintain the conditions essential to complete life, it follows that, when one of these conditions has been transgressed, the first thing to be required of the transgressor is, that he shall put matters as nearly as may be in the state they previously were. The property stolen shall be restored, or an equivalent for it given. Any one injured by an assault, shall have his surgeon's bill paid, compensation for lost time, and also for the suffering he has borne. And similarly in all cases of infringed rights.

Second, we are warranted by this highest authority in restricting the actions of the offender as much as is needful to prevent further aggressions. Any citizen who will not allow others to fulfil the conditions to complete life—who takes away the produce of his neighbour's labour, or deducts from that bodily health and comfort which his neighbour has earned by good conduct, must be forced to desist. And society is warranted in using such force as

may be found requisite. Equity justifies the fellow-citizens of such a man in limiting the free exercise of his faculties to the extent necessary for preserving the free exercise of their own faculties.

But now mark that absolute morality countenances no restraint beyond this—no gratuitous inflictions of pain, no revengeful penalties. Complete life being the end of morality; and the conditions it insists on being such as make possible this complete life to all members of a community; we cannot rightly abrogate these conditions, even in the person of a criminal, further than is needful to prevent greater abrogations of them. Freedom to fulfil the laws of life being the thing insisted on, to the end that the sum of life may be the greatest possible; it follows that the life of the offender must be taken into account as an item in this sum; and that we must permit him to live as completely as consists with social safety. It is commonly said that the criminal loses all his rights. This may be so according to law, but it is not so according to justice. Such portions of them only is justly taken away, as cannot be left to him without danger to the community. Those exercises of faculty, and consequent benefits, which are possible under the necessary restraint, cannot be equitably denied. If any do not think it proper that we should be thus regardless of an offender's claims, let them consider for a moment the lesson which Nature reads us.

We do not find that those divinely-ordained laws of life by which bodily health is maintained, are miraculously suspended in the person of the prisoner. In him, as in others, good digestion waits on appetite. If he is wounded, the healing process goes on with the usual rapidity. When he is ill, as much effect is expected from the *vis medicatrix nature* by the medical officer, as in one who has not transgressed. His perceptions yield him guidance as they did before he was imprisoned; and he is capable

of much the same pleasurable emotions. When we thus see that the beneficent arrangements of things, are no less uniformly sustained in his person than in that of another, are we not bound to respect in his person such of these beneficent arrangements as we have power to thwart? are we not bound to interfere with the laws of life no further than is absolutely needful?

If any still hesitate, there is another lesson for them having the same implication. Whoso disregards any one of those simpler laws of life out of which, as we have shown, the moral laws originate, has to bear the evil necessitated by the transgression—just that, and no more. If, careless of your footing, you fall, the consequent bruise, and possibly some constitutional disturbance entailed by it, are all you have to suffer: there is not the further gratuitous penalty of a cold or an attack of small-pox. If you have eaten something which you know to be indigestible, there follow certain visceral derangements and their concomitants; but, for your physical sin, there is no vengeance in the shape of a broken bone or a spinal affection. The punishments, in these and other cases, are neither greater nor less than flow from the natural working of things. Well, should we not with all humility follow this example? Must we not infer that, similarly, a citizen who has transgressed the conditions to social welfare, ought to bear the needful penalties and restraints, but nothing beyond these. Is it not clear that neither by absolute morality nor by Nature's precedents, are we warranted in visiting on him any pains besides those involved in remedying, as far as may be, the evil committed, and preventing other such evils? To us it seems manifest that if society exceeds this, it trespasses against the criminal.

Those who think, as many will probably do, that we are tending towards a mischievous leniency, will find that



the next step in our argument disposes of any such objection; for while equity forbids us to punish the criminal otherwise than by making him suffer the natural consequences, these, when rigorously enforced, are quite severe enough.

Society having proved in the high court of absolute morality, that the offender must make restitution or compensation, and submit to the restraints requisite for public safety; and the offender having obtained from the same court the decision, that these restraints shall be no greater than the specified end requires; society thereupon makes the further demand that, while living in durance, the offender shall maintain himself; and this demand absolute morality at once endorses. The community having taken measures of self-preservation; and having inflicted on the aggressor no punishments or disabilities beyond those involved in these necessary measures; is no further concerned in the matter. With the support of the prisoner it has no more to do than before he committed the crime. It is the business of society simply to defend itself against him; and it is his business to live as well as he can under the restrictions society is obliged to impose on him. All he may rightly ask is, to have the opportunity of labouring, and exchanging the produce of his labour for necessities; and this claim is a corollary from that already admitted, that his actions shall not be restricted more than is needful for the public safety. With these opportunities, however, he must make the best of his position. He must be content to gain as good a livelihood as the circumstances permit; and if he cannot employ his powers to the best advantage, if he has to work hard and fare scantily, these evils must be counted among the penalties of his transgression—the natural reactions of his wrong action.

On this self-maintenance equity sternly insists. The

reasons which justify his imprisonment, equally justify the refusal to let him have any other sustenance than he earns. He is confined that he may not further interfere with the complete living of his fellow-citizens—that he may not again intercept any of those benefits which the order of Nature has conferred on them, or any of those procured by their exertions and careful conduct. And he is required to support himself for exactly the same reasons—that he may not interfere with others' complete living—that he may not intercept the benefits they earn. For, if otherwise, whence must come his food and clothing? Directly from the public stores, and indirectly from the pockets of all tax-payers. And what is the property thus abstracted from tax-payers? It is the equivalent of so much benefit earned by labour. It is so much means to complete living. And when this property is taken away—when the toil has been gone through, and the produce it should have brought is intercepted by the tax-gatherer on behalf of the convict—the conditions to complete life are broken: the convict commits by deputy a further aggression on his fellow-citizens.

It matters not that such abstraction is made according to law. We are here considering the dictum of that authority which is above law; and which law ought to enforce. And this dictum we find to be, that each individual shall take the evils and benefits of his own conduct—that the offender must suffer, as far as is possible, all pains entailed by his offence; and must not be allowed to visit part of them on the innocent. Unless the criminal maintains himself, he indirectly commits an additional crime. Instead of restitution, he makes a new aggression. Instead of repairing the breach he has made in the conditions to complete social life, he widens this breach. He inflicts on others that very injury which the restraint imposed on him was to prevent. As certainly, therefore, as

such restraint is warranted by absolute morality; so certainly does absolute morality warrant us in refusing him gratuitous support.

These, then, are the requirements of an equitable penal system:—That the aggressor shall make restitution or compensation; that he shall be placed under the restraints requisite for social security; that neither any restraints beyond these, nor any gratuitous penalties, shall be inflicted on him; and that while living in confinement, or under surveillance, he shall maintain himself. We are not prepared to say that such dictates may at once be fully obeyed. Already we have admitted that the deductions of absolute expediency must, in our transition state, be qualified by the inductions of relative expediency. We have pointed out that in rude times, the severest criminal codes were justified by morality; if, without them, crime could not be repressed and social safety insured. Whence, by implication, it follows that our present methods of treating criminals are warranted, if they come as near to those of pure equity as circumstances permit. That any system now feasible must fall short of the ideal sketched out, is very possible. It may be that the enforcement of restitution or compensation, is in many cases impracticable. It may be that on some convicts, penalties more severe than abstract justice demands must be inflicted. On the other hand, it may be that entire self-maintenance would entail on the wholly-unskilled criminal, a punishment too grievous to be borne. But any such immediate shortcomings do not affect our argument. All we insist on is, that the commands of absolute morality shall be obeyed as far as possible—that we shall fulfil them up to those limits beyond which experiment proves that more evil than good results—that, ever keeping in view the ideal, each change we make shall be towards its realization.

But now we are prepared to say, that this ideal may be in great part realized at the present time. Experience in various countries, under various circumstances, has shown that immense benefits result from substituting for the old penal systems, systems that approximate to that above indicated. Germany, France, Spain, England, Ireland, and Australia, send statements to the effect that the most successful criminal discipline, is a discipline of decreased restraints and increased self-dependence. And the evidence proves the success to be greatest, where the nearest approach is made to the arrangements prescribed by abstract justice. We shall find the facts striking: some of them even astonishing.

When M. Obermair was appointed Governor of the Munich State-Prison—

“He found from 600 to 700 prisoners in the jail, in the worst state of insubordination, and whose excesses, he was told, defied the harshest and most stringent discipline; the prisoners were all chained together, and attached to each chain was an iron weight, which the strongest found difficulty in dragging along. The guard consisted of about 100 soldiers, who did duty not only at the gates and around the walls, but also in the passages, and even in the workshops and dormitories; and, strangest of all protections against the possibility of an outbreak or individual invasion, twenty to thirty large savage dogs, of the bloodhound breed, were let loose at night in the passages and courts to keep their watch and ward. According to his account the place was a perfect Pandemonium, comprising, within the limits of a few acres, the worst passions, the most slavish vices, and the most heartless tyranny.”

M. Obermair gradually relaxed this harsh system. He greatly lightened the chains; and would, if allowed, have thrown them aside. The dogs, and nearly all the guards, were dispensed with; and the prisoners were treated with such consideration as to gain their confidence. Mr. Baillie-

Cochrane, who visited the place in 1852, says the prison-gates were

"Wide open, without any sentinel at the door, and a guard of only twenty men idling away their time in a guard-room off the entrance-hall. . . . None of the doors were provided with bolts and bars; the only security was an ordinary lock, and as in most of the rooms the key was not turned, there was no obstacle to the men walking into the passage. . . . Over each workshop some of the prisoners with the best characters were appointed overseers, and M. Obermair assured me that if a prisoner transgressed a regulation, his companions generally told him, 'est ist verboten,' (it is forbidden), and it rarely happened that he did not yield to the opinion of his fellow-prisoners. . . . Within the prison walls every description of work is carried on; the prisoners, divided into different gangs and supplied with instruments and tools, make their own clothes, repair their own prison walls, and forge their own chains, producing various specimens of manufacture which are turned to most excellent account—the result being, that each prisoner, by occupation and industry, maintains himself; the surplus of his earnings being given him on his emancipation, avoids his being parted with in a state of destitution."

And further, the prisoners "associate in their leisure hours; without any check on their intercourse, but at the same time under an efficient system of observation and control"—an arrangement by which, after many years' experience, M. Obermair asserts that morality is increased.

And now what has been the result? During his six-years' government of the Kaiserslauten (the first prison under his care), M. Obermair discharged 182 criminals, of which number 123 have since conducted themselves well, and 7 have been recommitted. From the Munich prison, between 1843 and 1845, 298 prisoners were discharged. "Of these, 246 have been restored, improved, to society. Those whose characters are doubtful, but have not been

remanded for any criminal act, 26; again under examination, 4; punished by the police, 6; remanded, 8; died, 8." This statement, says M. Obermair, "is based on irrefutable evidence." And to the reality of his success, we have the testimony not only of Mr. Baillie-Cochrane, but of the Rev. C. H. Townsend, Mr. George Combe, Mr. Matthew Hill, and Sir John Milbanke, our Envoy at the Court of Bavaria.

Take, again, the case of Mettray. Every one has heard something about Mettray, and its success as a reformatory of juvenile criminals. Observe how nearly the successful system there pursued, conforms to the abstract principles above enunciated.

This "Colonie Agricole" is "without wall or enclosure of any sort, for the purposes at least of confinement;" and except when for some fault a child is temporarily put in a cell, there is no physical restraint. The life is industrial: the boys being brought up to trades or agriculture as they prefer; and all the domestic services being discharged by them. "They all do their work by the *piece*;" are rewarded according to the judgment of the *chef d'atelier*; and a portion being placed at the disposal of the child, the rest is deposited in the savings-bank at Tours. "A boy in receipt of any money has to make payment for any part of his dress which requires to be renewed before the stated time arrives at which fresh clothing is given out; . . . on the other hand, if his clothes are found in good condition at such time, he receives the benefit of it by having the money which would have been laid out in clothes placed to his account. Two hours per day are allowed for play. Part-singing is taught; and if a boy shows any turn for drawing he receives a little instruction in it. . . . Some of the boys also are formed into a fire-brigade, and have rendered at times substantial assistance in the neighbourhood." In which few leading facts do we

not clearly see that the essential peculiarities are—no more restraint than is absolutely necessary; self-support as far as possible; extra benefits earned by extra labour; and as much gratifying exercise of faculties as the circumstances permit.

The “intermediate system” which has of late been carried out with much success in Ireland, exemplifies, in a degree, the practicability of the same general principles. Under this system, prisoners working as artisans are allowed “such a modified degree of liberty as shall in various ways prove their power of self-denial and self-dependence, in a manner wholly incompatible with the rigid restraints of an ordinary prison.” An offender who has passed through this stage of probation, is tested by employment “on messenger’s duties daily throughout the city, and also in special works required by the department outside the prison-walls. The performance of the duties of messengers entails their being out until seven or eight in the evening, unaccompanied by any officer; and although a small portion of their earnings is allowed them weekly, and they would have the power of compromising themselves if so disposed, not one instance has as yet taken place of the slightest irregularity, or even the want of punctuality, although careful checks have been contrived to detect either, should it occur.” A proportion of their prison-earnings is set aside for them in a savings-bank; and to this they are encouraged to add during their period of partial freedom, with a view to subsequent emigration. The results are:—“In the penitentiary the greatest possible order and regularity, and an amount of willing industry performed that cannot be obtained in the prisons.” Employers to whom prisoners are eventually transferred, “have on many occasions returned for others in consequence of the good conduct of those at first engaged.” And according to Captain Crofton’s pamphlet

of 1857, out of 112 conditionally discharged during the previous year, 85 were going on satisfactorily, "9 have been discharged too recently to be spoken of, and 5 have had their licenses revoked. As to the remaining 13, it has been found impossible to obtain accurate information, but it is supposed that 5 have left the country, and 3 enlisted."

"The "mark system" of Captain Maconochie, is one which more fully carries out the principle of self-maintenance, under restraints no greater than are needful for safety. The plan is to join with time-sentences certain labour-sentences—specific tasks to be worked out by the convicts. "No rations, or other supplies of any kind, whether of food, bedding, clothing, or even education or indulgences, to be given *gratuitously*, but all to be made exchangeable, at fixed rates, at the prisoners' own option, for marks previously earned; it being understood, at the same time, that only those shall count towards liberation which remain over and above all so exchanged; the prisoners being thus caused to depend for every necessary on their own good conduct; and their prison-offences to be in like manner restrained by corresponding fines imposed according to the measures of each." The use of marks, which thus play the part of money, was first introduced by Captain Maconochie in Norfolk Island. Describing the working of his method, he says—

"First, it gave me wages and then fines. One gave me willing and progressively-skilled labourers, and the other saved me from the necessity of imposing brutal and demoralizing punishments. . . . My form of money next gave me school fees. I was most anxious to encourage education among my men, but as I refused them rations gratuitously, so I would not give them schooling either, but compelled them to yield marks to acquire it. . . . I never saw adult schools make such rapid progress. . . . My form of money next gave me bailbonds in cases of minor or even great



offences; a period of close imprisonment being wholly or in part remitted in consideration of a sufficient number of other prisoners of good character becoming bound, under a penalty, for the improved conduct of the culprit."

Even in the establishment of a sick-club and a burial-club, Captain Maconochie applied "the inflexible principle of giving nothing for nothing." That is to say, here, as throughout, he made the discipline of the prisoners as much like the discipline of ordinary life as possible; let them experience just such good or evil as naturally flowed from their conduct—a principle which he rightly avows as the only true one. What were the effects? The extreme debasement of Norfolk-Island convicts was notorious; and on a preceding page we have described some of the horrible sufferings inflicted on them. Yet, starting with these most demoralized of criminals, Captain Maconochie obtained highly-favourable results. "In four years," he says, "I discharged 920 doubly-convicted men to Sydney, of whom only 20, or 2 per cent., had been reconvicted up to January, 1845;" while, at the same time, the ordinary proportion of reconvicted Van Diemen's Land men, otherwise trained, was 9 per cent. "Captain Maconochie," writes Mr. Harris in his *Convicts and Settlers*, "did more for the reformation of these unhappy wretches, and amelioration of their physical circumstances, than the most sanguine practical mind could beforehand have ventured to hope." Another witness says—"a reformation far greater than has been hitherto effected in any body of men by any system, either before or after yours, has taken place in them." As pastor of the island, and for two years a magistrate, I can prove that at no period was there so little crime," writes the Rev. B. Naylor. And Thomas H. Dixon, Chief Superintendent of Convicts in Western Australia, who partially introduced the system there in 1856, asserts that not only was the amount of work done

under it extraordinary, but that "even although the characters of some of the party were by no means good previously (many of them being men whose licenses had been revoked in England), yet the transformation which in this and all other respects they underwent, was very remarkable indeed." If such were the results, when the method was imperfectly carried out (for the Government all along refused to give any fixed value to the marks as a means to liberation); what might be expected if its motives and restraints were allowed their full influence?

Perhaps, however, of all evidence, the most conclusive is that afforded by the prison of Valencia. When, in 1835, Colonel Montesinos was appointed governor, "the average of recommitments was from 30 to 35 per cent. per annum—nearly the same that is found in England and other countries in Europe; but such has been the success of his method, that for the last three years *there has not been even one recommitment to it*, and for the ten previous years they did not, on an average, exceed 1 per cent." And how has this marvellous change been brought about? By diminished restraint and industrial discipline. The following extracts, taken irregularly from Mr. Hoskins's *Spain as it is*, will prove this:

"When first the culprit enters the establishment he wears chains, but on his application to the commander they are taken off, unless he has not conducted himself well."

"There are a thousand prisoners, and in the whole establishment I did not see above three or four guardians to keep them in order. They say there are only a dozen old soldiers, and not a bar or bolt that might not be easily broken—apparently not more fastenings than in any private house."

"When a convict enters, he is asked what trade or employment he will work at or learn, and above forty are open to him. . . . There are weavers and spinners of every description; . . . blacksmiths, shoemakers, basketmakers, ropemakers, joiners, cab-

metmakers, making handsome mahogany drawers; and they had also a printing machine hard at work."

"The labour of every description for the repair, rebuilding, and cleaning the establishment, is supplied by the convicts. They were all most respectful in demeanour, and certainly I never saw such a good-looking set of prisoners, useful occupations (and other considerate treatment) having apparently improved their countenances. . . . And besides a 'garden for exercise planted with orange trees,' there was also a poultry yard for their amusement, with pheasants and various other kinds of birds; washing-houses, where they wash their clothes; and a shop, where they can purchase, if they wish, tobacco and other little comforts out of one-fourth of the profits of their labour, which is given to them. Another fourth they are entitled to, when they leave; the other half goes to the establishment, *and often this is sufficient for all expenses, without any assistance from the Government.*

Thus the highest success, regarded by Mr. Hoskins as "really a miracle," is achieved by a system most nearly conforming to those dictates of absolute morality on which we have insisted. The convicts are almost, if not quite, self-supporting. They are subject neither to gratuitous penalties nor unnecessary restrictions. While made to earn their living, they are allowed to purchase such enjoyments as consist with their confinement: the avowed principle being, in the words of Colonel Montesinos, to "give as much latitude to their free agency as can be made conformable to discipline at all." Thus they are (as we found that equity required they should be) allowed to live as satisfactorily as they can, under such restraints only as are needful for the safety of their fellow-citizens.

To us it appears extremely significant that there should be so close a correspondence between *a priori* conclusions, and the results of experiments tried without reference to such conclusions. On the one hand, neither in the doctrines of pure equity with which we set out, nor in the corollaries drawn from them, is there any mention of

criminal-reformation: our concern has been solely with the rights of citizens and convicts in their mutual relations. On the other hand, those who have carried out the improved penal systems above described, have had almost solely in view the improvement of the offender: the just claims of society, and of those who sin against it, having been left out of the question. Yet the methods which have succeeded so marvellously in decreasing criminality, are the methods which most nearly fulfil the requirements of abstract justice. May we not, in this, see clear proof of harmony with the ordained principles of things?

That the most equitable system is the one best calculated to reform the offender, may indeed be deductively shown. The internal experience of every one must prove to him, that excessive punishment begets, not penitence; but indignation and hatred. So long as an aggressor suffers nothing beyond the evils that have naturally resulted from his misconduct—so long as he perceives that his fellow-men have done no more than was needful for self-defence—he has no excuse for anger; and is led to contemplate his crime and his punishment as cause and effect. But if gratuitous sufferings are inflicted on him, a sense of injustice is produced. He regards himself as an injured man. He cherishes animosity against all who have brought this harsh treatment on him. Glad of any plea for forgetting the injury he has done to others, he dwells instead on the injury others have done to him. Thus nurturing a desired for revenge rather than atonement, he reënters society not better but worse; and if he does not commit further crimes, as he often does, he is restrained by the lowest of motives—fear.

Again, this industrial discipline, to which criminals subject themselves under a purely equitable system, is the discipline, they especially need. Speaking generally, we

are all compelled to work by the necessities of our social existence. For most of us this compulsion suffices; but there are some whose aversion to labour cannot be thus overcome. Not labouring, and needing sustenance, they are compelled to obtain it in illegitimate ways; and so bring on themselves the legal penalties. The criminal class being thus in great part recruited from the idle class; and the idleness being the source of the criminality; it follows that a successful discipline must be one which shall cure the idleness. The natural compulsions to labour having been eluded, the thing required is that the offender shall be so placed that he cannot elude them. And this is just what is done under the system we advocate. Its action is such that men whose natures are ill-adapted to the conditions of social life, bring themselves into a position in which a better adaptation is forced on them by the alternative of starvation.

Lastly, let us not forget that this discipline which absolute morality dictates, is salutary, not only because it is industrial, but because it is voluntarily industrial. As we have shown, equity requires that the confined criminal shall be left to maintain himself—that is, shall be left to work much or little, and to take the consequent plenty or hunger. When, therefore, under this sharp but natural spur, a prisoner begins to exert himself, he does so by his own will. The process which leads him into habits of labour, is a process by which his self-control is strengthened; and this is what is wanted to make him a better citizen. It is to no purpose that you make him work by external coercion; for when he is again free, and the coercion absent, he will be what he was before. The coercion must be an internal one, which he shall carry with him out of prison. It avails little that you force him to work; he must force himself to work. And this he will do, only when placed in those conditions which equity dictates.

Here, then, we find a third order of evidences. Psychology supports our conclusion. The various experiments above detailed, carried out by men who had no political or ethical theories to propagate, have established facts which we find to be quite concordant, not only with the deductions of absolute morality, but also with the deductions of mental science. Such a combination of different kinds of proof cannot, we think, be resisted.

And now let us try whether, by pursuing somewhat further the method thus far followed, we can see our way to the development of certain improved systems that are coming into use.

Equity requires that the restraint of the criminal shall be as great as is needful for the safety of society; but not greater. In respect to the *quality* of the restraint, there is little difficulty in interpreting this requirement; but there is considerable difficulty in deciding on the *duration* of the restraint. No obvious mode presents itself of finding out how long a transgressor must be held in legal bondage, to insure society against further injury from him. A longer period than is necessary, implies an actual injustice to the offender. A shorter period than is necessary, implies a potential injustice to society. And yet, without good guidance, one or other of these extremes is almost sure to be fallen into.

At present, the lengths of penal sentences are fixed in a manner that is wholly empirical. For offences defined in certain technical ways, Acts of Parliament assign transportations and imprisonments, having durations not greater than so much nor less than so much: these partially-determined periods being arbitrarily fixed by legislators, under the promptings of moral feeling. Within the assigned limits the judge exercises his discretion; and in deciding on the time over which the restraint shall extend,

he is swayed, partly by the special quality of the offence, partly by the circumstances under which it was committed, partly by the prisoner's appearance and behaviour, partly by the character given to him. And the conclusion he arrives at after consideration of these data, depends very much on his individual nature—his moral bias and his theories of human conduct. Thus the mode of fixing the lengths of penal restraints, is from beginning to end, little else than guessing. How ill this system of guessing works, we have abundant proofs. "Justices' justice," which illustrates it in its simplest form, has become a byword; and the decisions of higher criminal courts continually err in the directions of both undue severity and undue lenity. Daily do there occur cases of extremely trifling transgression visited with imprisonment of considerable length; and daily do there occur cases in which the punishment is so inadequate, that the offender time after time commits new crimes, when time after time discharged from custody.

Now the question is, whether in place of this purely empirical method which answers so ill, equity can guide us to a method which shall more correctly adjust the period of restraint to the requirement in each case. We believe it can. We believe that by following out its dictates, we shall arrive at a method that is in great measure self-acting; and therefore less liable to be vitiated by errors of individual judgment or feeling.

We have seen that were the requirements of absolute morality consulted, every transgressor would be compelled to make restitution or compensation. Throughout a considerable range of cases, this would itself involve a period of restraint varying in proportion to the magnitude of the offence. It is true that when the malefactor possessed ample means, the making restitution or compensation would usually be to him but a slight punishment. But

though in these comparatively few cases, the regulation would fall short of its object, in so far as its effect on the criminal was concerned; yet in the immense majority of cases—in all cases of aggressions committed by the poorer members of the community—it would act with efficiency. It would involve periods of detention that would be longer or shorter according as the injury done was greater or less; and according as the transgressor was idle or industrious. And although between the injury done by an offender and his moral turpitude, there is no constant and exact proportion; yet the greatness of the injury done, affords, on the average of cases, a better measure of the discipline required, than do the votes of Parliamentary majorities and the guesses of judges.

But our guidance does not end here. An endeavour still further to do that which is strictly equitable, will carry us still nearer to a correct adjustment of discipline to delinquency. When, having enforced restitution, we insist on some adequate guarantee that society shall not be again injured, and accept any guarantee that is sufficient; we open the way to a self-acting regulator of the period of detention. Already our laws are in many cases satisfied with securities for future good behaviour. Already this system manifestly tends to separate the more vicious from the less vicious: seeing that, on the average, the difficulty of finding securities is great in proportion as the character is bad. And what we propose is, that this system, now confined to particular kinds of offences, shall be made general. But let us be more specific.

A prisoner on his trial calls witnesses to testify to his previous character—that is, if his character has been tolerably good. The evidence thus given weighs more or less in his favour, according to the respectability of the witnesses, their number, and the nature of their testimony. Taking into account these several elements, the judge



forms his conception of the delinquent's general disposition; and modifies the length of punishment accordingly. Now, may we not fairly say that if the current opinion respecting a convict's character could be brought *directly* to bear in qualifying the statutory sentence, instead of being brought *indirectly* to bear, as at present, it would be a great improvement? Clearly the estimate made by a judge from such testimony, must be far less accurate than the estimate made by the prisoner's neighbours and employers. Clearly, too, the opinion expressed by such neighbours and employers in the witness-box, is less trustworthy than an opinion which entailed on them serious responsibility. *The desideratum is, that a prisoner's sentence shall be qualified by the judgment of those who have had life-long experience of him; and that the sincerity of this judgment shall be tested by their readiness to act on it.*

But how is this to be done? A very simple method of doing it has been suggested.\* When a convict has fulfilled his task of making restitution or compensation, let it be possible for one or other of those who have known him, to take him out of confinement, on giving adequate bail for his good behaviour. Always premising that such an arrangement shall be possible only under an official permit, to be withheld if the prisoner's conduct has been unsatisfactory; and always premising that the person who offers bail shall be of good character and means; let it be competent for such a one to liberate a prisoner by being bound on his behalf for a specific sum, or by undertaking to make good any injury which he may do to his fellow-citizens within a specified period. This will doubtless be thought a startling proposal. We shall, however, find good reasons to believe it might be safely acted on—

\* We owe the suggestion to Mr. Octavius H. Smith.

may, we shall find facts proving the success of a plan that is obviously less safe.

Under such an arrangement, the liberator and the convict would usually stand in the relation of employer and employed. Those to be thus conditionally released,\* would be ready to work for somewhat lower wages than were usual in their occupation; and those who became bound for them, besides having this economy of wages as an incentive, would be in a manner guaranteed by it against the risk undertaken. In working for less money, and in being under the surveillance of his master, the convict would still be undergoing a mitigated discipline. And while, on the one hand, he would be put on his good behaviour by the consciousness that his master might at any time cancel the contract and surrender him back to the authorities; he would, on the other hand, have a remedy against his master's harshness, in the option of returning to prison, and there maintaining himself for the remainder of his term.

Observe next, that the difficulty of obtaining such conditional release, would vary with the gravity of the offence that had been committed. Men guilty of heinous crimes would remain in prison; for none would dare to become responsible for their good behaviour. Any one convicted a second time, would remain unbailed for a much longer period than before; seeing that having once inflicted loss on some one bound for him, he would not again be so soon offered the opportunity of doing the like: only after a long period of good behaviour testified to by prison-officers, would he be likely to get another chance. Conversely, those whose transgressions were not serious, and who had usually been well-conducted, would readily obtain recognizances; while to venial offenders this qualified liberation would come as soon as they had made restitution. Moreover, when innocent persons had been pronounced guilty,

as well as in cases of solitary misdeeds being committed by those of really superior natures, the system we have described would supply a remedy. From the wrong verdicts of the law, and its mistaken estimates of turpitude, there would be an appeal; and long-proved worth would bring its reward in the mitigation of grievous injustices.

A further advantage would by implication result, in the shape of a long industrial discipline for those who most needed it. Speaking generally, diligent and skilful workmen, who were on the whole useful members of society, would, if their offences were not serious, soon obtain employers to give bail for them. Whereas, members of the especially criminal class—the idle and the dissolute—would remain long in confinement; since, until they had been brought by the discipline of self-maintenance under restraint, to something like industrial efficiency, employers would not be tempted to become responsible for them.

We should thus have a self-acting test, not only of the length of restraint required for social safety, but also of that apprenticeship to labour which many convicts need; while there would be supplied a means of rectifying sundry failures and excesses of our present system. The plan would practically amount to an extension of trial by jury. At present, the State calls in certain of a prisoner's fellow-citizens to decide whether he is guilty or not guilty: the judge, under guidance of the penal laws, being left to decide what punishment he deserves, if guilty. Under the arrangement we have described, the judge's decision would admit of modification by a jury of the convict's neighbours. And this natural jury, while it would be best fitted by previous knowledge of the man, to form an opinion, would be rendered cautious by the sense of grave responsibility: inasmuch as any one of its

number, who gave a conditional release, would do so at his own peril.

And now mark, that all the evidence forthcoming to prove the safety and advantages of the "intermediate system," proves, still more conclusively, the safety and advantages of this system which we would substitute for it. What we have described, is nothing more than an intermediate system reduced to a natural instead of an artificial form—carried out with natural checks instead of artificial checks. If, as Captain Crofton has experimentally shown, it is safe to give a prisoner conditional liberation, on the strength of good conduct during a certain period of prison-discipline; it is evidently safer to let his conditional liberation depend not alone on good conduct while under the eyes of his jailers, but also on the character he had earned during his previous life. If it is safe to act on the judgments of officials whose experience of a convict's behaviour is comparatively limited, and who do not suffer penalties when their judgments are mistaken; then, manifestly, it is safer (when such officials can show no reason to the contrary) to act on the additional judgment of one who has not only had better opportunities of knowing the convict, but who will be a serious loser, if his judgment proves erroneous. Further, that surveillance over each conditionally-liberated prisoner, which the "intermediate system" exercises, would be still better exercised, when, instead of going to a strange master in a strange district, the prisoner went to some master in his own district; and under such circumstances, it would be easier to get such information respecting his after-career as is found desirable. There is every reason to think that such a method would be workable. If, on the recommendation of the officers, Captain Crofton's prisoners obtain employers "who have on many occasions returned for others, in consequence of the good conduct of those at first engaged;"

still better would be the action of the system when, instead of the employers having "every facility placed at their disposal for satisfying themselves as to the antecedents of the convict," they were already familiar with his antecedents.

Finally, let us not overlook the fact, that this course is the only one which, while duly consulting social safety, is also entirely just to the prisoner. As we have shown, the restraints imposed on a criminal are warranted by absolute equity, only to the extent needful to prevent further aggressions on his fellow-men; and when his fellow-men impose greater restraints than these, they trespass against him. Hence, when a prisoner has worked out his task of making<sup>a</sup> restitution, and, so far as is possible, undone the wrong he had done; society is, in strict justice, bound to accept any arrangement which adequately protects its members against further injury. And if, moved by the expectation of profit, or other motive, any citizen sufficiently substantial and trustworthy, will take on himself to hold society harmless, society must agree to his proposal. All it can rightly require is, that the guarantee against contingent injury *shall* be adequate; which, of course, it never can be where the contingent injury is of the gravest kind. No bail could compensate for murder; and therefore in this, and other extreme crimes, society would rightly refuse any such guarantee, even if offered; which it would be very unlikely to be.

Such, then, is our code of prison-ethics. Such is the ideal which we ought to keep ever in view when modifying our penal system. Again we say, as we said at the outset, that the realization of such an ideal wholly depends on the advance of civilization. Let no one carry away the impression that we regard all these purely equitable regulations as immediately practicable. Though they

may be partially carried out, we think it highly improbable, or rather impossible, that they should at present be carried out in full. The number of offenders, the low average of enlightenment and morality, the ill-working of administrative machinery, and above all, the difficulty of obtaining officials of adequate intelligence, good feeling, and self-control, are obstacles that must long stand in the way of a system so complex as that which morality dictates. And we here assert, as emphatically as before, that the harshest penal system is ethically justified, if it is as good as the circumstances of the time permit. However great the cruelties it inflicts, yet if a system theoretically more equitable would not be a sufficient terror to evil-doers, or could not be worked, from lack of officers sufficiently judicious, honest, and humane—if less rigorous methods would entail a diminution of social security; then the methods in use are extrinsically good, though intrinsically bad: they are, as before said, the least wrong, and therefore relatively right.

Nevertheless, as we have endeavoured to prove, it is immensely important that, while duly considering the relatively right, we should keep the absolutely right constantly in view. True as it is, that in this transition state, our conceptions of the ultimately expedient must ever be qualified by our experience of the proximately expedient; it is not the less true that the proximately expedient cannot be determined unless the ultimately expedient is known. Before we can say what is as good as the time permits, we must say what is abstractedly good; for the first idea involves the last. We must have some fixed standard, some invariable measure, some constant clue: otherwise we shall inevitably be misled by the suggestions of immediate policy, and wander away from the right, rather than advance towards it. This conclusion is, we think, fully borne out by the facts we have cited. In other cases, as

well as in the case of penal discipline, the evidence shows how terribly we have erred from obstinately refusing to consult first principles, and clinging to an unreasoning empiricism. Though, during civilization, grievous evils have occasionally arisen from attempts suddenly to realize absolute rectitude; yet a greater sum total of evils has arisen from the more usual course of ignoring absolute rectitude. Age after age, effete institutions have been maintained far longer than they would else have been; and equitable arrangements\* have been needlessly postponed. Is it not time for us to profit by past lessons?

## VII.

### RAILWAY MORALS AND RAILWAY POLICY.

**B**ELIEVERS in the intrinsic virtues of political forms, might draw an instructive lesson from the politics of our railways. If there needs a conclusive proof that the most carefully-framed constitutions are worthless, unless they be embodiments of the popular character—if there needs a conclusive proof, that governmental arrangements in advance of the time will inevitably lapse into congruity with the time; such proof may be found over and over again repeated in the current history of joint-stock enterprises.

As devised by Act of Parliament, the administrations of our public companies are almost purely democratic. The representative system is carried out in them with scarcely a check. Shareholders elect their directors, directors their chairman; there is an annual retirement of a certain proportion of the board, giving facilities for superseding them; and, by this means, the whole ruling body may be changed in periods varying from three to five years. Yet, not only are the characteristic vices of our political state reproduced in each of these mercantile corporations—some even in an intenser degree—but the very



form of government, while remaining nominally democratic, is substantially so remodelled as to become a miniature of our national constitution. The direction, ceasing to fulfil its theory as a deliberative body whose members possess like powers, falls under the control of some one member of superior cunning, will, or wealth, to whom the majority become so subordinate, that the decision on every question depends on the course he takes. Proprietors, instead of constantly exercising their franchise, allow it to become on all ordinary occasions a dead letter: retiring directors are so habitually reelected without opposition, and have so great a power of insuring their own election when opposed, that the board becomes practically a close body; and it is only when the misgovernment grows extreme enough to produce a revolutionary agitation among the shareholders, that any change can be effected.

Thus, a mixture of the monarchic, the aristocratic, and the democratic elements, is repeated with such modifications only as the circumstances involve. The modes of action, too, are substantially the same: save in this, that the copy outruns the original. Threats of resignation, which ministries hold out in extreme cases, are commonly made by railway-boards to stave off a disagreeable inquiry. By no means regarding themselves as servants of the shareholders, directors rebel against dictation from them; and frequently construe any amendment to their proposals into a vote of want of confidence. At half-yearly meetings, disagreeable criticism and objections are met by the chairman with the remark, that if the shareholders cannot trust his colleagues and himself, they had better choose others. With most, this assumption of offended dignity tells; and, under the fear that the company's interests may suffer from any disturbance, measures quite at variance with the wishes of the proprietary are allowed to be carried.

The parallel holds yet further. If it be true of national administrations, that those in office count on the support of all public *employés*; it is not less true of incorporated companies, that the directors are greatly aided by their officials in their struggles with shareholders. If, in times past, there have been ministries who spent public money to secure party ends; there are, in times present, railway-boards who use the funds of the shareholders to defeat the shareholders. Nay, even in detail, the similarity is maintained. Like their prototype, joint-stock companies have their expensive election contests, managed by election committees, employing election agents; they have their canvassing with its sundry illegitimate accompaniments; they have their occasional manufacture of fraudulent votes. And, as a general result, that class-legislation, which has been habitually charged against statesmen, is now habitually displayed in the proceedings of these trading associations: constituted though they are on purely representative principles.

These last assertions will probably surprise not a few. The general public who have little or no direct interest in railway matters—who never see a railway-journal, and who skip the reports of half-yearly meetings that appear in the daily papers—are under the impression that dishonesties akin to those gigantic ones so notorious during the mania, are no longer committed. They do not forget the doings of stags and stock-jobbers and runaway directors. They remember how men-of-straw held shares amounting to £100,000, and even £200,000; how numerous directorates were filled by the same persons—one having a seat at twenty-three boards; how subscription-contracts were made up with signatures bought at 10s. and 4s. each, and porters and errand-boys made themselves liable for £30,000 and £40,000 a-piece. They can narrate how boards kept their books in cipher, made false regis-

tries, and refrained from recording their proceedings in minute-books; how in one company, half-a-million of capital was put down to unreal names; how in another, directors bought for account more shares than they issued, and so forced up the price; and how in many others, they repurchased for the company their own shares, paying themselves with the depositors' money.

But, though more or less aware of the iniquities that have been practised, the generality think of them solely as the accompaniments of bubble schemes. More recent enterprises they know to have been *bond fide* ones, mostly carried out by old-established companies; and knowing this, they do not suspect that in the getting-up of branch-lines and extensions, there are chicaneries near akin to those of Capel Court; and quite as disastrous in their ultimate results. Associating the ideas of wealth and respectability, and habitually using respectability as synonymous with morality, it seems to them incredible that many of the large capitalists and men of station who administer railway affairs, should be guilty of indirectly enriching themselves at the expense of their constituents. True, they occasionally meet with a law-report disclosing some enormous fraud; or read a *Times* leader, characterizing directorial acts in terms that are held libellous. But they regard the cases thus brought to light as entirely exceptional; and under that feeling of loyalty which ever idealizes men in authority, they constantly tend towards the conviction, if not that directors can do no wrong, yet that they are very unlikely to do wrong.

A history of railway management and railway intrigue, however, would quickly undeceive them. In such a history, the doings of projectors and the mysteries of the share-market would occupy less space than the analysis of the multifarious dishonesties which have been committed since 1845, and the genesis of that elaborate system of

tactics by which companies are betrayed into ruinous undertakings that benefit the few at the cost of the many. Such a history would not only have to detail the doings of the personage famed for "making things pleasant;" nor would it have merely to add the misdeeds of his colleagues; but it would have to describe the kindred corruptness of other railway administrations. From the published report of an investigation-committee, it would be shown how, not many years since, the directors of one of our lines allotted among themselves 15,000 new shares then at a premium in the market; how to pay the deposits on these shares they used the company's funds; and how one of their number thus accommodated himself in meeting both deposits and calls to the extent of more than £80,000. We should read in it of one railway chairman who, with the secretary's connivance, retained shares exceeding a quarter of a million in amount, intending to claim them as his allotment if they rose to a premium; and who, as they did not do so, left them as unissued shares on the hands of the proprietors, to their vast loss. We should also read in it of directors who made loans to themselves out of the company's floating balances at a low rate of interest, when the market rate was high; and who paid themselves larger salaries than those assigned: entering the difference in an obscure corner of the ledger under the head of "petty disbursements." There would be a description of the manoeuvres by which a delinquent board, under impending investigation, gets a favourable committee nominated—"a whitewashing committee." There would be documents showing that the proxies enabling boards to carry contested measures, have in some cases been obtained by garbled statements; and, again, that proxies given for a specific purpose have been used for other purposes. One of our companies would be proved to have projected a line, serving as a feeder, for which it

obtained shareholders by offering a guaranteed dividend, which, though understood by the public to be unconditional, was really contingent upon a condition not likely to be fulfilled. The managers of another company would be convicted of having carried party measures by the aid of preference-shares standing in the names of station-masters; and of being aided by the proxies of the secretary's children too young to write.

That the corruptions here glanced at are not merely exceptional evils, but result from some deep-seated vice ramifying throughout our system of railway-government, is sufficiently proved by the simple fact, that notwithstanding the depreciation of railway-dividends produced by the extension policy, that policy has been year after year continued. Does any tradesman, who, having enlarged his shop, finds a proportionate diminution in his rate of profits, go on, even under the stimulus of competition, making further enlargements at the risk of further diminutions? Does any merchant, however strong his desire to take away an opponent's markets, make successive mortgages on his capital, and pay for each sum thus raised a higher interest than he gains by trading with it? Yet this course, so absurd that no one would insult a private individual by asking him to follow it, is the course which railway-boards, at meeting after meeting, persuade their clients to pursue. Since 1845, when the dividends of our leading lines ranged from 8 to 10 per cent., they have, notwithstanding an ever-growing traffic, fallen from 10 per cent. to 5, from 8 to 4, from 9 to 3½; and yet the system of extensions, leases, and guarantees, notoriously the cause of this, has been year by year persevered in. Is there not something needing explanation here—something more than the world is allowed to see? If there be any one to whom the broad fact of obstinate persistence in unprofitable expenditure does not alone carry the conviction that

sinister influences are at work, let him read the seductive statements by which shareholders are led to authorize new projects, and then compare these with the proved results. Let him look at the estimated cost, anticipated traffic, and calculated dividend on some proposed branch line; let him observe how the proprietary before whom the scheme is laid, are induced to approve it as promising a fair return; and then let him contemplate, in the resulting depreciation of stock, the extent of their loss. Is there any avoiding the inference? Clearly, railway-shareholders can never have habitually voted for new undertakings which they knew would be injurious to them. Every one knows, however, that these new undertakings have almost uniformly proved injurious to them. Obviously, therefore, railway-shareholders have been continually deluded by false representations.

The only possible escape from this conclusion is in the belief that boards and their officers have been themselves deceived; and were the discrepancies between promises and results occasional only, there would be grounds for this lenient interpretation. But to suppose that a railway-government should repeatedly make such mistakes, and yet gain no wisdom from disastrous experiences—should after a dozen disappointments again mislead half-yearly meetings by bright anticipations into dark realities, and all in good faith—taxes credulity somewhat too far. Even, then, were there no demonstrated iniquities to rouse suspicion, we think that the continuous depreciation in the value of railway-stock, the determined perseverance of boards in the policy that has produced this depreciation, and the proved untruth of the statements by which they have induced shareholders to sanction this policy, would of themselves suffice to show the essential viciousness of railway-administration.

That the existing evils, and the causes conspiring to

produce them, may be better understood, it will be needful briefly to glance at the mode in which the system of extensions grew up. Earliest among the incentives to it was a feeling of rivalry. Even while yet their main lines were unmade, a contest for supremacy arose between our two greatest companies. This presently generated a confirmed antagonism; and the same impulse which in election contests and the like, has frequently led to the squandering of a fortune to gain a victory, has largely aided to make each of these great rivals submit to repeated sacrifices rather than be beaten. Feuds of like nature are in other cases perpetually prompting boards to make aggressions on each other's territories—every attack on the one side leading to a reprisal on the other: and so violent is the hostility occasionally produced, that directors might be pointed out whose votes are wholly determined by the desire to be revenged on their opponents.

Among the first methods by which leading companies sought to strengthen themselves and weaken their competitors, was the leasing or purchase of subordinate neighbouring lines. Of course those to whom overtures were made, obtained bids from both sides; and it naturally resulted that the first sales thus effected, being at prices far above the real values, brought great profits to the sellers. What resulted? A few recurrences of this proceeding, made it clear to quick-witted speculators, that constructing lines so circumstanced as to be bid for by competing companies, would be a lucrative policy. Shareholders who had once pocketed these large and easily-made gains, were eager to repeat the process; and cast about for districts in which it might be done. Even the directors of the companies by whom these high prices were given, were under the temptation to aid in this; for it was manifest to them that by obtaining a larger interest in any such new undertaking than they possessed in the pur-

chasing company, and by using their influence in the purchasing company to obtain a good price or guarantee for the new undertaking, a great advantage would be gained: and that this motive has been largely operative, railway history abundantly proves.

Once commenced, sundry other influences conspired to stimulate this making of feeders and extensions. The non-closure of capital-accounts rendered possible the "cooking" of dividends, which was at one period carried to a great extent. Under various incentives, speculative and other, expenditure that should have been charged against revenue was charged against capital; works and rolling stock were allowed to go unrepaired, or insufficient additions made to them, by which means the current expenses were rendered delusively small; long-credit agreements with contractors permitted sundry disbursements that had been virtually made, to be kept out of the accounts; and thus the net returns were made to appear much greater than they really were. Naturally the new undertakings put before the moneyed world by companies whose stock and dividends had been thus artificially raised, were received with proportionate favour. Under the prestige of their parentage their shares came out at high premiums, bringing large profits to the projectors. The hint was soon taken; and it presently became an established policy, under the auspices of a prosperity either real or mock, to get up these subsidiary lines—"calves," as they were called in the slang of the initiated—and to traffic in the premiums their shares commanded.

Meanwhile had been developing a secondary set of influences which also contributed to foster unwise enterprises; namely, the business interests of the lawyers, engineers, contractors, and others directly or indirectly employed in railway construction. The methods of projecting and carrying new schemes, could not fail, in the



course of years, to become familiar to all persons concerned; and there could not fail to grow up among them a concerted system of tactics calculated to achieve their common end. Thus, partly from the jealousy of rival boards, partly from the avarice of shareholders in purchased lines, partly from the dishonest schemings of directors, partly from the manœuvres of those whose business it is to carry out the projects legally authorized, partly, and perhaps mainly, from the delusive appearance of prosperity maintained by many established companies, there came the wild speculations of 1844 and 1845. The consequent disasters, while they pretty well destroyed the last of these incentives, left the rest much as they were. Though the painfully-undeceived public have ceased to aid as they once did, the various private interests that had grown up have since been working together as before—have developed their systems of coöperation into still more complex and subtle forms; and are even now daily thrusting unfortunate shareholders into losing undertakings.

Before proceeding to analyze the existing state of things, however, we would have it clearly understood that we do not suppose those implicated to be *on the average* morally lower than the community at large. Men taken at random from any class, would, in all probability, behave much in the same way when placed in like positions. There are unquestionably directors grossly dishonest. Unquestionably also there are others whose standard of honour is far higher than that of most persons. And for the remainder, they are, we doubt not, as good as the mass. Of the engineers, parliamentary agents, lawyers, contractors, and various others concerned, it may be admitted that though daily custom has induced laxity of principle, yet they would be harshly judged were the transactions that may be recorded against them, used as

tests. Those who do not see how in these involved affairs, the most inequitable results may be wrought out by men not correspondingly flagitious, will readily do so on considering all the conditions.

In the first place, there is the familiar fact that the corporate conscience is ever inferior to the individual conscience—that a body of men will commit as a joint act, that which every individual of them would shrink from, did he feel personally responsible. And it may be remarked that not only is the conduct of a corporate body thus comparatively lax, but also the conduct *towards* one. There is ever a more or less distinct perception, that a broad-backed company scarcely feels what would be ruinous to a private person; and this perception is in constant operation on all railway-boards and their *employés*, as well as on all contractors, landowners, and others concerned; leading them to show a graspingness and want of principle foreign to their general behaviour. Again, the indirectness and remoteness of the evils produced, greatly weaken the restraints on wrong-doing. Men's actions are proximately produced by mental representations of the results to be anticipated; and the decisions come to, largely depend on the vividness with which these results can be imagined. A consequence, good or bad, that is immediate and clearly apprehended, influences conduct far more potently than a consequence that has to be traced through a long chain of causation, and, as eventually reached, is not a particular and readily conceivable one, but a general and vaguely conceivable one. Hence, in railway affairs, a questionable share-transaction, an exorbitant charge, a proceeding which brings great individual advantage without apparently injuring any one, but which, even if analyzed in its ultimate results, can but very circuitously affect unknown persons living no one knows where, may be brought home to men who, could the re-

sults be embodied before them, would be shocked at the cruel injustices they had committed—men who in their private business, where the results *can* be thus embodied, are sufficiently equitable.

Further, it requires to be noted that most of these great delinquencies are wrought out, not by the extreme dishonesty of any one man or group of men, but by the combined self-interest of many men and groups of men, whose minor delinquencies are cumulative. Much as a story which, passing from mouth to mouth, and receiving a slight exaggeration at each repetition, comes round to the original narrator in a form scarcely to be recognized; so, by a little improper influence on the part of landowners, a little favouritism on the part of members of Parliament, a little intriguing of lawyers, a little manœuvring by contractors and engineers, a little self-seeking on the part of directors, a little under-statement of estimates and over-statement of traffic, a little magnifying of the evils to be avoided and the benefits to be gained—it happens that shareholders are betrayed into ruinous undertakings by grossly untrue representations, without any one being guilty of more than a small portion of the fraud. Bearing in mind then, the comparative laxity of the corporate conscience; the diffusion and remoteness of the evils which malpractices produce; and the composite origin of these malpractices; it becomes possible to understand how, in railway affairs, gigantic dishonesties can be perpetrated by men, who, on the average, are little if at all below the generality in moral character.

With this preliminary mitigation we proceed to detail the various illegitimate agencies by which these seemingly insane extensions and this continual squandering of shareholders' property are brought about.

Conspicuous among these is the self-interest of land-

owners. Once the greatest obstacles to railway enterprise, owners of estates have of late years been among its chief promoters. Since the Liverpool and Manchester line was first defeated by landed opposition, and succeeded with its second bill only by keeping out of sight of all mansions, and avoiding the game preserves—since the time when the London and Birmingham Company, after seeing their project thrown out by a committee of peers who ignored the evidence, had to “conciliate” their antagonists by raising the estimate for land from £250,000 to £750,000—since the time when Parliamentary counsel bolstered up a groundless resistance by the flimsiest and—absurdest excuses, even to reproaching engineers with having “trodden down the corn of widows” and “destroyed the strawberry-beds of gardeners”—since then, a marked change of policy has taken place. Nor was it in human nature that it should be otherwise. When it became known that railway companies commonly paid for “land and compensation,” sums varying from £4,000 to £8,000 per mile; that men were indemnified for supposed injury to their property, by sums so inordinate that the greater part has been known to be returned by the heir as conscience-money; that in one case £120,000 was given for land said to be worth but £5,000—when it was bruited abroad that large bonuses in the shape of preference shares and the like, were granted to buy off opposition—when it came to be an established fact that estates are greatly enhanced in value by the proximity of railways; it is not surprising that country gentlemen should have become active supporters of schemes to which they were once the bitterest enemies. On considering the many temptations, we shall see nothing wonderful in the fact that in 1845 they were zealous provisional committee-men; nor in the fact that their influence as promoters enabled them to get large sums for their own acres; nor in the fact that they

committed various acts sufficiently reprehensible from any but their own point of view.

If we are told of squires soliciting interviews with the engineer of a projected railway; prompting him to take their side of the country; promising support if he did, and threatening opposition if he did not; dictating the course to be followed through their domains, and hinting that a good price would be expected; we are simply told of the special modes in which certain private interests show themselves. If we hear of an extensive landowner using his influence as chairman of a board of directors, to project a branch running for many miles through his own estate, and putting his company to the cost of a parliamentary contest to carry this line; we hear only of that which was likely to occur under such circumstances. If we find now before the public, a line proposed by a large capitalist, serving among other ends to effect desirable communications with his property, and the estimates for which line, though considered by the engineering world insufficient, are alleged by him to be ample; we have but a marked case of the distorted representations which under such conditions self-interest is sure to engender. If we discover of this or that scheme, that it was got up by the local nobility and gentry—that they employed to make the survey a third-rate engineer, who was ready in anticipation of future benefit to do this for his bare expenses—that principals and agent wearied the directors of an adjacent trunk-line to take up their project; threatened that if they did not their great rival would; alarmed them into concession; asked for a contribution to their expenses; and would have gained all these points but for shareholders' resistance—we do but discover the organized tactics which in process of time naturally grow up under such stimuli. It is not that these facts are particularly remarkable. From the gross instances of the landowner

who asked £8,000 for that which he eventually accepted £80 for, down to the every-day instances of influence used to get railway accommodation for the neighbourhood, the acts of the landed class are simply manifestations of the average character acting under special conditions. All that it now behooves us to notice, is, that we have here a large and powerful body whose interests are ever pressing on railway extension, irrespective of its intrinsic propriety.

The great change in the attitude of the Legislature towards railways, from "the extreme of determined rejection or dilatory acquiescence, to the opposite extreme of unlimited concession," was simultaneous with the change above described. It could not well fail to be so. Supplying, as the landowning community does, so large a portion of both Houses of Parliament, it necessarily follows that the play of private interests seen in the first, repeats itself in the last under modified forms, and complicated by other influences. Remembering the extent to which legislators were themselves involved in the speculations of the mania, it is scarcely probable that they should since have been free from personal bias. A return proved, that in 1845 there were 157 members of Parliament whose names were on the registers of new companies for sums varying from £201,000 downwards. The supporters of new projects boasted of the number of votes they could command in the House. Members were personally canvassed, and peers were solicited. It was publicly complained in the upper chamber, that "it was nearly impossible to bring together a jury, some members of which were not interested in the railway they were about to assess." Doubtless this state of things was to a great degree exceptional; and there has since been not only a diminution of the temptations, but a marked increase of equitable feeling. Still, it is not to be expected that private interests should cease to act. It is not to be expected that a landowner

who, out of Parliament, exerts himself to get a railway for his district, should, when in Parliament, not employ the power his new position gives him to the same end. It is not to be expected that the accumulation of such individual actions should leave the legislative policy unchanged. Hence the fact, that the influence once used to throw out railway bills is now used to carry them. Hence the fact, that railway committees no longer require a good traffic case to be made out in justification of the powers asked. Hence the fact, that the directors and chairmen of boards having seats in the House of Commons, are induced to pledge their companies to carry out extensions.

We could name a member of Parliament, who, having bought an estate fitly situated, offered to an engineer, also in Parliament, the making of a railway running through it; and having obtained the Act (in doing which the influence of himself and his friend were of course useful), pitted three railway companies against each other for the purchase of it. We could name another member of Parliament, who, having projected, and obtained powers for, an extension through his property, induced the directors of the main line, with whom he had great influence, to subscribe half the capital for his extension, to work it for fifty per cent. of the gross receipts, and to give up all traffic brought by it on to the main line until he received four per cent. on his capital; which was tantamount to a four per cent. guarantee.

But it is not only, nor indeed mainly, from directly personal motives that legislators have of late years unduly fostered railway enterprises. Indirect motives of various kinds have been largely operative. The wish to satisfy constituents has been one. Inhabitants of unaccommodated districts, are naturally urgent with their representatives to help them to a line. Such representatives are not unfrequently conscious that their next elections may pos-

sibly turn upon their successful response to this appeal. Even when there is no popular pressure there is the pressure of their leading political supporters—of large landholders whom it will not do to neglect; of the magistracy, with whom it is needful to be on good terms; of local lawyers, important as electioneering friends, to whom a railway always brings business. Thus, without having any immediately private ends, members of Parliament are often almost coerced into pressing forward schemes which, from a national or from a shareholder's point of view, are very unwise ones. Then there comes the still less direct stimuli. Where neither personal nor political ends are to be gained, there are still the interests of a relative to be subserved; or, if not those of a relative, still those of a friend. And where there is no decided impulse to the contrary, these motives, of course, have their weight. Moreover, it requires in fairness to be said, that possessed as most members of Parliament are, with the belief that all railway-making is nationally beneficial, there exist in their minds few or no reasons for resisting the influences brought to bear on them. True, shareholders may be injured; but that is their own affair:—the public will be better served; constituents will be satisfied; friends will be pleased; perhaps personal ends gained: and under some or all of these incentives affirmative votes are readily given. Thus, from the Legislature also, there has of late years proceeded a factitious stimulus to railway extensions.

From Parliament to Parliamentary agents, and the general body of lawyers concerned in railway enterprise is a ready transition. With these, the getting up and carrying of new lines and branches is a matter of business. Whoever studies the process of obtaining a railway Act, or considers the number of legal transactions involved in the execution of railway works, or notes the large sums



that figure in half-yearly reports under the head of "law charges;" will at once see how strong are the temptations which a new project holds out to solicitors, conveyancers, and counsel. It has been shown that in past years, parliamentary expenses have varied from £650 to £3,000 per mile; of which a large proportion has gone into the pockets of the profession. In one contest, £57,000 was spent among six counsel and twenty solicitors. At a late meeting of one of our companies it was pointed out, that the sum expended in legal and parliamentary expenses during nine years, had reached £480,000; or had averaged £53,500 a-year. With these and scores of like facts before them, it would indeed be strange did not so acute a body of men as lawyers use vigorous efforts and sagacious devices to promote fresh enterprises. Indeed, if we look back at the proceedings of 1845, we shall suspect, not only that lawyers are still the active promoters of fresh enterprises, but often the originators of them. Most people have heard how in those excited times the projects daily announced were frequently set afloat by local solicitors—how these looked over maps to see where plausible lines could be sketched out—how they canvassed the local gentry to obtain provisional committeemen—how they agreed with engineers to make trial surveys—how, under the wild hopes of the day, they found little difficulty in forming companies—and how most of them managed to get as far as the Committee on Standing Orders, if no farther.

Remembering all this, and remembering that those who were successful are not likely to have forgotten their cunning, but rather to have yearly exercised and increased it, we may naturally expect to find railway lawyers among the most influential of the many parties conspiring to urge railway proprietaries into disastrous undertakings: and we shall not be deceived. To a great extent they are in league with engineers. From the proposal to the comple-

tion of a new line, the lawyer and the engineer work together; and their interests are throughout identical. While the one makes the survey, the other prepares the book of reference. The parish plans which the one gets ready, the other deposits. The notices to owners and occupiers which the one fills in, the other serves upon those concerned. Throughout, there is continual consultation between them as to the dealing with local opposition and the obtainment of local support. In the getting up of their case for Parliament, they necessarily act in concert. While, before Committee, the one gets his ten guineas per day for attending to give evidence; the other makes profits on all the complicated transactions which carrying a bill involves. During the execution of the works they are in frequent correspondence; and alike profit by any expansion of the undertaking. Thus there naturally arises in each, the perception that in aiding the other he is aiding himself: and gradually, as, in course of years, the proceedings come to be often repeated, and a perfect familiarity with railway politics gained, there grows up a well-organized system of coöperation between them—a system rendered the more efficient by the wealth and influence which each has year by year accumulated.

Among the manoeuvres employed by railway solicitors thus established and thus helped, not the least remarkable is that of getting their own nominees elected as directors. Startling though it may seem, it is yet a fact, which we state on good authority, that there are puppet-directors who vote for this or that at the instigation of the company's lawyer, whose creatures they are. The obtainment of such tools is by no means difficult. Vacancies are about to occur in the directorate. Almost always there are sundry men over whom a solicitor, conducting the extensive law-business of a railway, has considerable power: not only connections and friends, but clients and persons to whom

in his legal capacity he can do great benefit or great injury. He selects the most suitable of these; giving the preference, if other things are equal, to one living in the country near the line. On opening the matter to him, he points out the sundry advantages attendant on a director's position—the free pass and the many facilities it gives; the annual £100 or so which the office brings; the honour and influence accruing; the opportunities for profitable investment that are likely to occur; and so forth. Should ignorance of railway affairs be raised as an objection, the tempter, in whose eyes this ignorance is a chief recommendation, replies that he shall always be at hand to guide his votes. Should non-possession of a due amount of the company's stock be pleaded, the tempter readily meets the difficulty by offering himself to furnish the needful qualification. Thus incited and flattered, and perhaps conscious that it would be dangerous to refuse, the intended puppet allows himself to be put in nomination; and as it is the general habit of half-yearly meetings, unless under great indignation, to elect any one proposed to them by those in authority, the nomination is successful. On subsequent occasions this proceeding can, of course, be repeated; and thus the company's legal agent and those leagued with him, may command sufficient votes to turn the scale in their own favour.

Then, to the personal interest and power of the head solicitor, have to be added those of the local ones, with whom he is in constant business intercourse. They, too, profit by new undertakings; they, therefore, are commonly urgent in pressing them forwards. Acting in coöperation with their chief, they form a local staff of great influence. They are active canvassers; they stimulate and concentrate the feeling of their districts; they encourage rivalry with other lines; they alarm local shareholders with rumours of threatened competition. When the question of

extension or non-extension comes to a division, they collect proxies for the extension party. They bring pressure to bear on their shareholding clients and relatives. Nay, so deep an interest do they feel in the decision, as occasionally to manufacture votes with the view of influencing it. We have before us the case of a local solicitor, who, before the special meeting called to adopt or reject a contemplated branch, transferred portions of his own shares into the names of sundry members of his family, and so multiplied his seventeen votes into forty-one; all of which he recorded for the adoption of his new scheme.

The morality of railway engineers is not greatly above that of railway lawyers. The gossip of Great George Street is fertile in discreditable revelations. It tells how So-and-so, like others before him, testified to estimates which he well knew were insufficient. It makes jocose allusion to this man as being employed to do his senior's "dirty work"—his hard-swearing; and narrates of the other, that when giving evidence before committee, he was told by counsel that he was not to be believed even on his knees. It explains how cheaply the projector of a certain line executed the parliamentary survey, by employing on it part of the staff in the pay of another company to which he was engineer. Now it alludes to the suspicion attaching to a certain member of the fraternity from his having let a permanent-way contract, for a term of years, at an extravagant sum per mile. Again it rumours the great profits which some of the leaders of the profession made in 1845, by charging for the use of their names at so much the prospectus; even up to a thousand guineas. And then, it enlarges upon the important advantages possessed by engineers who have seats in the House of Commons.

Thus lax as is the ethical code of engineers, and greatly as they are interested in railway enterprise, it is to be ex-

pected that they should be active and not very scrupulous promoters of it. To illustrate the vigour and skill with which they further new undertakings, a few facts may be cited. Not far from London, and lying between two lines of railway, is an estate that has been purchased by one of our engineers. He has since obtained Acts for branches to both of the adjacent lines. One of these branches he has leased to the company whose line it joins; and he has tried to do the like with the other, but as yet without success. Even as it is, however, he is considered to have doubled the value of his property. Again, an engineer of celebrity once very nearly succeeded in smuggling through Parliament, in the bill for a proposed railway, a clause extending the limits of deviation, through a certain district, to several miles on each side of the line—the usual limits being but five chains on each side; and the attempt is accounted for by the fact, that this engineer possessed mines in this district. To press forward extensions by the companies with which they are connected, they occasionally go to great lengths. Not long since, at a half-yearly meeting, certain projects which the proprietary had already once rejected, were again brought forward by two engineers who attended in their capacity of shareholders. Though known to be personally interested, one of them moved and the other seconded, that some new proposals from the promoters of these schemes be considered without delay by the directors. The motion was carried; the directors approved the proposals; and again, the proprietors negatived them. A third time a like effort was made; a third time a conflict arose; and within a few days of the special meeting at which the division was to take place, one of these engineers circulated among the shareholders a pamphlet denying the allegations of the dissentient party and making counter-statements which it was then too late to meet—nay, he did

more; he employed agents to canvass the shareholders for proxies in support of the new undertaking; and was obliged to confess as much when charged with it at the meeting.

Turn we now to contractors. Railway enterprise has given to this class of men a gigantic development, not only in respect of numbers, but in respect of the vast wealth to which some of them have attained. Originally, half a dozen miles of earthwork, fencing, and bridges, was as much as any single contractor undertook. Of late years, however, it has become common for one man to engage to construct an entire railway; and deliver it over to the company in a fit condition for opening. Great capital is necessarily required for this. Great profits are made by it. And the fortunes accumulated in course of time have been such, that sundry contractors are named as being each able to make a railway at his own cost. But they are as insatiate as millionnaires in general; and so long as they continue in business at all, are, in some sort, forced to provide new undertakings to keep their plant employed. As may be imagined, enormous stocks of working materials are needed: many hundreds of earth-wagons and of horses; many miles of temporary rails and sleepers; some half-dozen locomotive engines, and several fixed ones; innumerable tools; besides vast stores of timber, bricks, stone, rails, and other constituents of permanent works, that have been bought on speculation. To keep the capital thus invested, and also a large staff of *employés*, standing idle, entails loss, partly negative, partly positive. The great contractor, therefore, is alike under a pressing stimulus to get fresh work, and enabled by his wealth to do this. Hence the not unfrequent inversion of the old arrangement under which companies and engineers employed contractors, into an arrangement under which contractors employ engineers and form companies.

Many recent undertakings have been thus set on foot. The most gigantic project which private enterprise has yet dared—a project of which, unfortunately, there is now no hope—originated with a distinguished contracting firm. In some cases, as in this chief one, this mode of procedure may, perhaps, be advantageous; but in a far greater proportion of cases its results are disastrous. Interested in promoting railway extensions, even in a greater degree than engineers and lawyers, contractors frequently coöperate with these, either as agents or as coadjutors. Lines are fostered into being, which it is known from the beginning, will not pay. Of late, it has become common for landowners, merchants, and others personally interested, who, under the belief that their indirect gains will compensate for their meagre dividends, have themselves raised part of the capital for a local railway, but cannot raise the rest—it has become common for such to make an agreement with a wealthy contractor to construct the line, taking in part payment a portion of the shares, amounting to perhaps a third of the whole, and to charge for his work according to a schedule of prices to be thereafter settled between himself and the engineer. By this last clause the contractor renders himself secure. It would never answer his purpose to take part payment in shares likely to return some £2 per cent., unless he compensated himself by unusually high profits; and this subsequent settlement of prices with one whose interests, like his own, are wrapped up in the prosecution of the undertaking, ensures him high profits. Meanwhile, the facts that all the capital has been subscribed and the line contracted for, unduly raise the public estimate of the scheme; the shares are quoted at much above their true worth; unwary persons buy; the contractor from time to time parts with his moiety at fair prices; and the new shareholders ultimately find themselves part owners of a railway which,

unprofitable as it originally promised to be, had been made yet more unprofitable by expensiveness of construction.

Nor are these the only cases in which contractors gain after this fashion. They do the like with undertakings of their own projection. To obtain Acts for these, they sign the subscription-contracts for large amounts; knowing that in the way above described, they can always make it answer to do this. So general had the practice latterly become, as to attract the attention of committees. As was remarked by a personage noted for his complicity in these transactions—"Committees are getting too knowing; they won't stand that dodge now." Nevertheless, the thing is still done under a disguised form. Though contractors no longer enter their own names on subscription lists for thousands of shares; yet they effect the same end by making nominal holders of their foremen and others: themselves being the real ones.

• Of directorial misdoings some samples have already been referred to; and more might be added. Besides those arising from directly personal aims, there are sundry others. One of these is the still-increasing community between railway boards and the House of Commons. There are eighty-one directors sitting in Parliament; and though many of these take little or no part in the affairs of their respective railways, many of them are the most active members of the boards to which they belong. We have but to look back a few years, and mark the unanimity with which companies adopted the policy of getting themselves represented in the Legislature, to see that the furtherance of their respective interests—especially in cases of competition—was the incentive. How well this policy is understood among the initiated, may be judged from the fact, that gentlemen are now in some cases elected on boards, simply because they are members of Parliament.



Of course this implies that railway legislation is affected by a complicated play of private influences; and that these influences generally work towards the facilitation of new enterprises, is tolerably obvious. It naturally happens that directors whose companies are not opposed, exchange good offices. It naturally happens that they can more or less smooth the way of their annual batch of new bills through committees.

Moreover, directors sitting in the House of Commons not only facilitate the passing of the schemes in which they are interested, but are solicited to undertake further schemes by those around them. It is a very common-sense conclusion that representatives of small towns and country districts needing railway accommodation, who are daily thrown in contact with the chairman of a company capable of giving this accommodation, will not neglect the opportunity of furthering their ends. It is a very common-sense conclusion that by hospitalities, by favours, by flattery, by the many means used to bias men, they will seek to obtain his assistance. And it is an equally common-sense conclusion that in many cases they will succeed—that by some complication of persuasions and temptations they will swerve him from his calmer judgment; and so introduce into the company he represents, influences at variance with its welfare.

Under some motives, however—whether those of direct self-interest, of private favour, or of antagonistic feeling, need not here be discussed—it is certain that directors are constantly committing their constituents to unwise enterprises; and that they frequently employ unjustifiable means for either eluding or overcoming their opposition. Shareholders occasionally find that their directors have given to Parliament pledges of extension much exceeding what they were authorized to give; and they are then persuaded that they are bound to endorse the promises made for

them by their agents. In some cases, among the misleading statements laid before shareholders to obtain their consent to a new project, will be found an abstract of the earnings of a previously-executed branch or feeder to which the proposed one bears some analogy. These earnings are shown (not always without "cooking") to be tolerably good and improving; and it is argued that the new project, having like prospects, offers a fair investment. Meanwhile, it is not stated that the capital for this previously-executed branch or feeder was raised on debentures or by guaranteed shares at a higher rate of interest than the dividend pays; it is not stated that as the capital for this further undertaking will be raised on like terms, the annual interest on debt will swallow up more than the annual revenue: and thus unsuspecting shareholders—some unacquainted with the company's antecedents, some unable to understand its complicated accounts—give their proxies, or raise their hands, for new works which will tell with disastrous effect on their future dividends. In pursuit of their ends, directors will from time to time go directly in the teeth of established regulations. Where it has been made a rule that proxies shall be issued only by order of a meeting of the proprietors, they will yet issue them without any such order, when by so doing they can steal a march on dissentients. If it suits their purpose, they will occasionally bring forward most important measures without due notice. In stating the amount of the company's stock which has voted with them on a division, they have been known to include thousands of shares on which a small sum only was paid up, counting them as though fully paid-up.

To complete the sketch, something must be said on the management of board meetings and meetings of shareholders. For the first—their decisions are affected by various manoeuvres. Of course, on fit occasions, there is a

whipping-up of those favourable to any project which it is desired to carry. Were this all, there would be little to complain of; but something more than this is done. There are boards in which it is the practice to defeat opposition by stratagem. The extension party having summoned their forces for the occasion, and having entered on the minutes of business a notice worded with the requisite vagueness, shape their proceedings according to the character of the meeting. Should their antagonists muster more strongly than was expected, this vaguely-worded notice serves simply to introduce some general statement or further information concerning the project named in it; and the matter is passed over as though nothing more had been meant. On the contrary, should the proportion of the two sides be more favourable, the notice becomes the basis of a definite motion committing the board to some important procedure. If due precautions have been taken, the motion is passed; and once passed, those who, if present, would have resisted it, have no remedy; for in railway government there is no "second reading," much less a third. So determined and so unscrupulous are the efforts sometimes made by the stronger party to overcome and silence their antagonists, that when a contested measure, carried by them at the board, has to go before a general meeting for confirmation, they have even been known to pass a resolution that their dissentient colleagues shall not address the proprietary!

How, at half-yearly and special meetings, shareholders should be so readily led by boards, even after repeated experience of their untrustworthiness, seems at first sight difficult to understand. The mystery disappears, however, on inquiry. Very frequently, contested measures are carried quite against the sense of the meetings before which they are laid, by means of the large number of proxies previously collected by the directors. These proxies are

obtained mostly from proprietors scattered everywhere throughout the kingdom, who are very generally weak enough to sign the first document sent to them. Then, of those present when the question is brought to an issue, not many dare attempt a speech; of those who dare, but few are clear-headed enough to see the full bearings of the measure they are about to vote upon; and such as can see them are often prevented by nervousness from doing justice to the views they hold.

Moreover, it must be borne in mind that the party displaying antagonism to the board are apt to be regarded by their brother proprietors with more or less reprobation. Unless the misconduct of the governing body has been very glaring and very recent, there ever arises in the mass a prejudice against all playing the part of an opposition. They are condemned as noisy, and factious, and obstructive; and often only by determined courage avoid being put down. Besides these negative reasons for the general inefficiency of shareholders' resistance, there are sundry positive ones. As writes a Member of Parliament who has been an extensive holder of stock in many companies from the first days of railway enterprise:—"My large and long acquaintance with Railway Companies' affairs, enables me to say, that a large majority of shareholders trust wholly to their directors, having little or no information, nor caring to have any opinion of their own. . . . Some others, better informed but timid, are afraid, by opposing the directors, of causing a depreciation of the value of their stock in the market, and are more alarmed at the prospect of this temporary depreciation than at the permanent loss entailed on the company by the useless, and therefore unprofitable, outlay of additional capital. . . . Others again, believing that the impending permanent evil is inevitable, resolve on the spot to sell out immediately, and to keep up the prices of their shares, also give their support to the directors."

Thus, from lack of organization and efficiency among those who express their opposition, and from the timidity and double-facedness of those who do not, it happens that extremely unwise projects are carried by large majorities. Nor is this all. The tactics of the aggressive party are commonly as skilful as those of their antagonists are bungling. In the first place, the chairman, who is very generally the chief promoter of the contested scheme, has it in his power to favour those who take his own side, and to throw difficulties in the way of opponents; and this he not unfrequently does to a great extent—refusing to hear, putting down on some plea of breach of order, brow-beating, even using threats.\* It generally turns out too, that, whether intentionally or not, some of the most important motions are postponed until nearly the close of the meeting, when the greater portion of the shareholders are gone. Large money-votes, extensive powers, unlimited permits to directors to take, in certain matters, “such steps as in their judgment they may deem most expedient,”—these, and the like, are left to be hurried over during the last half-hour, when the tired and impatient remnant will no longer listen to objectors; and when those who have personal ends to serve by outstaying the rest, carry everything their own way. Indeed, in some instances, the arrangements are such as almost to ensure the meeting becoming a pro-extension one towards the end.

This result is brought about thus:—A certain portion

\* We may remark in passing, that the practice of making the chairman of the board also chairman of the half-yearly meetings, is a very injudicious one. The directors are the servants of the proprietary; and meet them from time to time to render an account of their stewardship. That the chief of these servants, whose proceedings are about to be examined, should himself act as chief of the jury, is absurd. Obviously, the business of each meeting should be conducted by some one independently chosen for the purpose; as the Speaker is chosen by the House of Commons.

of the general body of proprietors are also proprietors of some subordinate work—some branch line, or steamboats, or canal, which the Company has purchased or leased; and as holders of guaranteed stock, probably having capital to take up further such stock if they can get it, they are naturally favourable to projects that are to be executed on the preference-share system. These hold their meeting for the declaration of dividend, &c., as soon as the meeting of the Company at large has been dissolved; and in the same room. Hence it happens, that being kept together by the prospect of subsequent business, they gradually, towards the close of the general meeting, come to form the majority of those present; and the few ordinary shareholders who have been patient enough to stay, are outvoted by those having interests quite distinct from their own—quite at variance with the welfare of the Company.

And here this allusion to the preference-share system, introduces us to a fact which may fitly close this detail of private interests and questionable practices—a fact serving at once to illustrate, the subtlety and concert of railway officialism, and the power it can exert. That this fact may be fully appreciated, it must be premised, that though preference-shares do not usually carry votes, they are sometimes specially endowed with them; and further, that they occasionally remain unpaid up until the expiration of a time after which no further calls can be legally made. In the case in question, a large number of £50 preference shares had thus long stood with but £5 paid. Those desirous of promoting extensions, &c., had here a fine opportunity of getting great power in the Company at small cost; and as we shall see, they duly availed themselves of it. Already had their party twice tried to thrust the proprietary into a new undertaking of great magnitude. Twice had they entailed on them an expensive and harass-

ing contest. A third time, notwithstanding a professed relinquishment of it, they brought forward substantially the same scheme, and were defeated only by a small majority. The following extracts from the division lists we take from the statement of one of the scrutineers :

|   | 50% Preference Shares with 5% paid up. | Additional Stock or Shares.  | Recorded Stock at the Poll as held. | Total actual Capital paid up. | Number of votes secured for the Extension. |
|---|--|--|-------------------------------------|-------------------------------|--|
| The Company's solicitor...                      | 500                                    | { 7,500% stock, and 100 50% shares, with 42% 10s. paid up.                                 | 75,650                              | 18,140                        | 188  |
| Ditto in joint account with another.....        | 778                                    | None.  |                                     |                               |  |
| The solicitor's partner.....                    | 60                                     | None.  | 8,000                               | 800                           | 20   |
| The Company's engineer....                      | 150                                    | None.  | 7,500                               | 750                           | 88   |
| The engineer's partner.....                     | 1,854                                  | 4,268% stock.  | 71,966                              | 11,086                        | 161  |
| One of the Company's parliamentary counsel..... | 200                                    | 1,000% stock.  | 11,000                              | 2,000                         | 40   |
| Another ditto, ditto.....                       | 125                                    | 900% stock.  | 6,450                               | 825                           | 30   |
| Local solicitor for the proposed extension..... | 7                                      | None.  | 850                                 | 85                            | 7  |
| The Company's contractor for permanent way..... | 847                                    | 52,883%.   | 70,188                              | 54,568                        | 168  |
| The Company's conveyancer.....                  | 1,008                                  | 883% stock.  | 50,438                              | 5,843                         | 118  |
| The Company's furniture printer.....            | 85                                     | 10,000% stock.   | 11,750                              | 10,175                        | 41   |
| The Company's surveyor..                        | 860                                    | 1,250% stock.  | 19,250                              | 8,050                         | 56   |
| The Company's architect..                       | 217                                    | 14,916% stock; 119 50% shares, with 42% 10s. paid up; and 18 40% shares, with 84% paid up. | 82,280                              | 20,416                        | 82   |
| One of the Company's carriers.....              | 17                                     | 883% stock.  | 1,688                               | 918                           | 14   |
| The Company's bankers:—                         |  |  |                                     |                               |  |
| One partner.....                                | ....                                   | ....   | 82,666                              | 82,666                        | 90   |
| Another partner.....                            | ....                                   | ....   | 2,500                               | 2,500                         | 18   |
| Ditto in joint account with another.....        | ....                                   | ....   | 1,000                               | 850                           | 12   |

To this list, some seven or eight, of the Company's tradesmen, similarly armed, might be added; raising the number of the almost factitious shares held by functionaries to about 5,200, and increasing the votes commanded by them, from its present total of 1,068 to upwards of 1,100. If now we separate the £380,000, which these

gentlemen bring to bear against their brother shareholders, into real and nominal, we find that while not quite £120,000 of it is *bond fide* property invested, the remaining £260,000 is nine parts shadow and one part substance. And thus it results, that by virtue of certain stock actually representing but £26,000, these lawyers, engineers, counsel, conveyancers, contractors, bankers, and others interested in the promotion of new schemes, outweigh more than a quarter of a million of the real capital held by shareholders whom these schemes will injure !

Need we any longer wonder, then, at the persistence of Railway Companies in seemingly reckless competition and ruinous extensions? Is not this obstinate continuance of a policy that has year after year proved disastrous, sufficiently explicable on contemplating the many illegitimate influences at work? Is it not manifest that the small organized party always outmanœuvres the large unorganized one? Consider their respective characters and circumstances. Here are the shareholders diffused throughout the whole kingdom, in towns and country houses; knowing nothing of each other, and too remote to coöperate were they acquainted. Very few of them see a railway journal; not many a daily one; and scarcely any know much of railway politics. Necessarily a fluctuating body, only a small number are familiar with the Company's history—its acts, engagements, policy, management. A great proportion are incompetent to judge of the questions that come before them, and lack decision to act out such judgments as they may form—executors who do not like to take steps involving much responsibility; trustees fearful of interfering with the property under their care, lest possible loss should entail a lawsuit; widows who have never in their lives acted for themselves in any affair of moment; maiden ladies, alike nervous and



innocent of all business knowledge; clergymen whose daily discipline has been little calculated to make them acute men of the world; retired tradesmen whose retail transactions have given them small ability for grasping large considerations; servants possessed of accumulated savings and cramped notions; with sundry others of like helpless character—all of them rendered more or less conservative by ignorance or timidity, and proportionately inclined to support those in authority. To these should be added the class of temporary shareholders, who, having bought stock on speculation, and knowing that a revolution in the Company is likely to depress prices for a time, have an interest in supporting the board irrespective of the goodness of its policy.

Turn now to those whose efforts are directed to railway expansion. Consider the constant pressure of local interests—of small towns, of rural districts, of landowners: all of them eager for branch accommodation; all of them with great and definite advantages in view; few of them conscious of the loss those advantages may entail on others. Remember the influence of legislators, prompted, some by their constituents, some by personal aims, and encouraged by the belief that additional railway facilities are in every case nationally beneficial; and then calculate the extent to which, as stated to Mr. Cardwell's committee, Parliament has "excited and urged forward" Companies into rivalry. Observe the temptations under which lawyers are placed—the vast profits accruing to them from every railway contest, whether ending in success or failure; and then imagine the magnitude and subtlety of their extension manœuvring. Conceive the urgency of the engineering profession; to the richer of whom more railway-making means more wealth; to the mass of whom more railway-making means daily bread. Estimate the capitalist-power of contractors; whose unemployed plant

brings heavy loss; whose plant when employed brings great gain. Then recollect that to lawyers, engineers, and contractors the getting up and executing of new undertakings is a business—a business to which every energy is directed; in which long years of practice have given great skill; and to the facilitation of which, all means tolerated by men of the world are thought justifiable.

Finally, consider that the classes interested in carrying out new schemes, are in constant communication, and have every facility for combined action. A great part of them live in London, and most of these have offices at Westminster—in Great George Street, in Parliament Street, clustering round the Legislature. Not only are they thus concentrated—not only are they throughout the year in frequent business intercourse; but during the session they are daily together, in Palace-Yard Hotels, in the lobbies, in the committee-rooms, in the House of Commons itself. Is it any wonder then, that the wide-spread, ill-informed, unorganized body of shareholders, standing severally alone, and each preoccupied with his daily affairs, should be continually outgeneralled by the comparatively small but active, skilful, combined body opposed to them, whose very occupation is at stake in gaining the victory?

“But how about the directors?” it will perhaps be asked. “How can they be parties to these obviously unwise undertakings? They are themselves shareholders: they gain by what benefits the proprietary at large; they lose by what injures it. And if without their consent, or rather their agency, no new scheme can be adopted by the Company, the classes interested in fostering railway enterprise are powerless to do harm.”

This belief in the identity of directorial and proprietary interests, is the fatal error commonly made by shareholders. It is this which, in spite of many bitter expe-

riences, leads them to be so careless and so trustful. "Their profit is our profit; their loss is our loss; they know more than we do; therefore let us leave the matter to them." Such is the argument which more or less definitely passes through the shareholding mind—an argument of which the premises are vicious, and the inference disastrous. Let us consider it in detail.

Not to dwell upon the disclosures that have in years past been made respecting the share-trafficking of boards, and the large profits realized by it—disclosures which alone suffice to disprove the assumed identity between the interests of directors and proprietary—and taking for granted that little, if any, of this now takes place; let us go on to notice the still-prevailing influences which render this apparent unity of purpose illusive. The immediate interest which directors have in the prosperity of the Company, is often much less than is supposed. Occasionally they possess only the bare qualification of £1,000 worth of stock. In some instances even this is partly nominal. Admitting, however, as we do frankly, that in the great majority of cases the full qualification, and much more than the qualification, is held; yet it must be borne in mind that the indirect advantages which a wealthy member of a board may gain from the prosecution of a new undertaking, will often far outweigh the direct injury it will inflict on him by the depreciation of his shares. A board usually consists, to a considerable extent, of gentlemen residing at different points throughout the tract of country traversed by the railway they control: some of them landowners; some merchants or manufacturers; some owners of mines or shipping. Almost always these are advantaged more or less by a new branch or feeder. Those in close proximity to it, gain either by enhanced value of their lands, or by increased facilities of transit for their commodities. Those at more remote parts of the

main line, though less directly interested, are still frequently interested in some degree: for every extension opens up new markets either for produce or raw materials; and if it is one effecting a junction with some other system of railways, the greater mercantile conveniences afforded to directors thus circumstanced, become important.

Obviously, therefore, the indirect profits accruing to such from one of these new undertakings, may more than counterbalance the direct loss upon their railway investments; and though there are, doubtless, men far too honourable to let such considerations sway them, yet the generality can scarcely fail to be affected by temptations so strong. Then we have further to remember the influences brought to bear upon directors having seats in Parliament. Already these have been noticed; and we recur to them only for the purpose of pointing out that the immediate evil of an increased discount on his £1,000 worth of stock, may be to a director of much less consequence than the favours, patronage, connections, position, which his aid in carrying a new scheme will bring him—a consideration which, without saying how far it applies, suffices to show that in this respect, also, the supposed identity of interests between directors and shareholders does not hold.

Moreover, the disunion of interests produced by these influences is increased by the system of preference-stock. Were there no other cause in action, this practice of raising capital for supplementary undertakings, by issuing shares bearing a guaranteed interest of 5, 6, and 7 per cent., would alone destroy that community of motives supposed to exist between a railway proprietary and its executive. Little as the fact is at present recognized, it is yet readily demonstrable that by raising one of these mortgages, a Company is forthwith divided into two classes: the one consisting of the richer shareholders, in-

clusive of the directors, and the other of the poorer shareholders; of which classes the richer one can protect itself from the losses which the poorer one has to bear—nay, can even profit by the losses of the poorer one. This assertion, startling as it will be to many, we will proceed to prove.

When the capital required for a branch or extension is raised by means of guaranteed shares, it is the custom to give each proprietor the option of taking up a number of such shares proportionate to the number of his original shares. By availing himself of this offer, he more or less effectually protects himself against any possible loss which the new undertaking may entail. Should this, not fulfilling the promises of its advocates, diminish in some degree the general dividend; yet, a high dividend on the due proportion of preference-stock, may nearly or quite compensate for this. Hence, it becomes the policy of all who can do so, to take up as many guaranteed shares as they can get. But what happens when the circular announcing this apportionment of guaranteed shares is sent round to the proprietary? Those who possess much stock, being generally capitalists, forthwith apply for as many as they are entitled to. On the other hand, the smaller holders, constituting as they do the bulk of the Company, having no available funds with which to pay the calls on new shares, are obliged to decline them. What results? When this additional line has been opened, and it turns out, as usual, that its revenue is insufficient to meet the guaranteed dividend on its shares—when the general income of the Company is laid under contribution to make up this guaranteed dividend—when as a consequence, the dividend on the original stock is diminished; then the poorer shareholders who possess original stock only, find themselves losers; while the richer ones, possessing guaranteed shares in addition, find that their gain on prefer-

ence-dividends nearly or quite counterbalances their loss on general dividends.

Indeed, as above hinted, the case is even worse. For as the large share-proprietor who has obtained his proportion of guaranteed stock, is not obliged to retain his original stock—as, if he doubts the paying character of the new undertaking, he can always sell such part of his shares as will suffer from it; it is obvious that he may, if he pleases, become the possessor of preference-shares only; and may so obtain a handsome return for his money at the expense of the Company at large and the small shareholders in particular. How far this policy is pursued we do not pretend to say. All which it here concerns us to notice, is, that directors being mostly men of large means, and being therefore able to avail themselves of this guaranteed stock, by which at least much loss may be warded off if not profit made, are liable to be swayed by motives different from those of the general proprietary. And that they often are so swayed there cannot be a doubt. Without assuming any of them to be guilty of so flagitious an intention as that of benefiting at the cost of their co-proprietors; and believing, as we do, that few of them duly realize the fact that the protection they will have, is a protection not available to the mass of the shareholders; we think it is a rational deduction from common experience, that this prospect of compensation will often turn the scale in the minds of those who are hesitating, and diminish the opposition on the part of those who disapprove.

Thus, the belief which leads the majority of railway shareholders to place implicit faith in their directors, is an erroneous one. It is not true that there is an identity of interest between the proprietary and its executive. It is not true that the board forms an efficient guard against the intrigues of lawyers, engineers, contractors, and others

who profit by railway-making. On the contrary, it is true that its members are not only liable to be drawn from their line of duty by various indirect motives, but that by the system of guaranteed shares they are placed under a positive temptation to betray their constituents.

And now what is the proximate origin of all these corruptions? and what is the remedy for them? What general error in railway legislation is it that has made possible such complicated chicaneries? Whence arises this facility with which interested persons continually thrust companies into unwise enterprises? We believe there is a very simple answer to these questions. It is an answer, however, which will at first sight be thought quite irrelevant: and we doubt not that the corollary we propose drawing from it, will be forthwith condemned by practical men as incapable of being acted on. Nevertheless, if such will give us a little time to explain, we are not without hope of showing, both that the evils laboured under would be excluded were this principle recognized, and that the recognition of it is not only feasible, but would even open the way out of sundry perplexities in which railway legislation is at present involved.

We conceive, then, that the fundamental vice of our system, as hitherto carried out, lies in *the misinterpretation of the proprietary contract*—the contract tacitly entered into between each shareholder and the body of shareholders with whom he unites; and that the remedy desired lies simply in the enforcement of an equitable interpretation of this contract. In reality it is a strictly limited one: in practice it is treated as altogether unlimited: and the thing needed is, that it should be clearly defined and abided by.

Our popular form of government has so habituated us to seeing public questions decided by the voice of the ma

majority, and the system is so manifestly equitable in the cases daily before us, that there has been produced in the general mind, an unhesitating belief that the majority's power is unbounded. Under whatever circumstances, or for whatever ends, a number of men coöperate, it is held that if difference of opinion arises among them, justice requires that the will of the greater number shall be executed rather than that of the smaller number; and this rule is supposed to be uniformly applicable, be the question at issue what it may. So confirmed is this conviction, and so little have the ethics of the matter been considered, that to most this mere suggestion of a doubt will cause some astonishment. Yet it needs but a brief analysis to show that the opinion is little better than a political superstition. Instances may readily be selected, which prove, by *reductio ad absurdum*, that the right of a majority is a purely conditional right, valid only within specific limits. Let us take a few.

Suppose that at the general meeting of some philanthropic association, it was resolved that in addition to relieving distress the association should employ home-missionaries to preach down popery. Might the subscriptions of Catholics, who had joined the body with charitable views, be rightfully used for this end? Suppose that of the members of a book-club, the greater number, thinking that under existing circumstances rifle-practice was more important than reading, should decide to change the purpose of their union, and to apply the funds in hand for the purchase of powder, ball, and targets. Would the rest be bound by this decision? Suppose that under the excitement of news from Australia, the majority of a Freehold Land Society should determine, not simply to start in a body for the gold diggings, but to use their accumulated capital to provide outfits. Would this appropriation of property be just to the minority? and must these



join the expedition? Scarcely any one would venture an affirmative answer even to the first of these questions; much less to the others. And why? Because every one must perceive that by uniting himself with others, no man can equitably be betrayed into acts utterly foreign to the purpose for which he joined them. Each of these supposed minorities would properly reply to those seeking to coerce them: "We combined with you for a defined object; we gave money and time for the furtherance of that object; on all questions thence arising, we tacitly agreed to conform to the will of the greater number; but we did not agree to conform on any other questions. If you induce us to join you by professing a certain end, and then undertake some other end of which we were not apprised, you obtain our support under false pretences; you exceed the expressed or understood compact to which we committed ourselves; and we are no longer bound by your decisions."

Clearly this is the only rational interpretation of the matter. The general principle underlying the right government of every incorporated body is, that its members contract with each other severally to submit to the will of the majority *in all matters concerning the fulfilment of the objects for which they are incorporated; but in no others.* To this extent only can the contract hold. For as it is implied in the very nature of a contract, that those entering into it must know what they contract to do; and as those who unite with others for a specified object, cannot contemplate all the unspecified objects which it is hypothetically possible for the union to undertake; it follows that the contract entered into cannot extend to such unspecified objects; and if there exists no expressed or understood contract between the union and its members respecting unspecified objects, then for the majority to coerce the minority into undertaking them, is nothing less than gross tyranny.

Now this almost self-evident principle is wholly ignored alike in our railway legislation and the proceedings of our companies. Definite as is the purpose with which the promoters of a public enterprise combine, endless other purposes not dreamed of at the outset are commonly added to it; and this, apparently without any suspicion that such a course is altogether unwarrantable, unless taken with the *unanimous* consent of the proprietors. The unsuspecting shareholder who signed the subscription contract for a line from Greatborough to Grandport, did so under the belief that this line would not only be a public benefit but a good investment. He was familiar with the country. He had been at some trouble to estimate the traffic. And, fully believing that he knew what he was embarking in, he put down his name for a large amount. The line has been made; a few years of prosperity have justified his foresight; when, at some fatal special meeting, a project is put before him for a branch from Littlehomestead to Stonyfield. The will of the board and the intrigues of the interested, overbear all opposition; and in spite of the protests of many who like him see its impolicy, he presently finds himself involved in an undertaking which, when he joined the promoters of the original line, he had not the remotest conception would ever be proposed. From year to year this proceeding is repeated. His dividends dwindle and his shares go down; and eventually the congeries of enterprises to which he is committed, grows so vast that the first enterprise of the series becomes but a small fraction of the whole.

Yet it is in virtue of his consent to this first of the series, that all the rest are thrust upon him. He feels that there is an injustice somewhere; but, believing in the unlimited right of a majority, fails to detect it. He does not see that when the first of these extensions was pro-

posed, he should have denied the power of his brother-shareholders to implicate him in an undertaking not named in their deed of incorporation. He should have told the advocates of this new undertaking that they were perfectly free to form a separate Company for the execution of it; but that they could not rightfully compel dissentients to join in a new project, any more than they could rightfully have compelled dissentients to join in the original project. Had such a shareholder united with others for the specified general purpose of *making railways*, he would have had no ground for protest. But he united with others for the specified purpose of *making a particular railway*. Yet such is the confusion of ideas on the subject, that there is absolutely no difference recognized between these cases!

It will doubtless be alleged in defence of all this, that these secondary enterprises are supplementary to the original one—or in some sense undertaken for the furtherance of it; professedly minister to its prosperity; cannot, therefore, be regarded as altogether separate enterprises. And it is true that they have this for their excuse. But if it is a sufficient excuse for accessories of this nature, it may be made a sufficient excuse for any accessories whatever. Already, Companies have carried the practice beyond the making of branches and extensions. Already, under the plea of bringing more traffic to their lines, they have constructed docks; bought lines of steam-packets; built vast hotels; deepened river-channels. Already, they have created small towns for their workmen; erected churches and schools; salaried clergymen and teachers. Are these warranted on the ground of advancing the 'Companies' interests? Then thousands of other undertakings are similarly warranted.

If a view to the development of traffic justifies the making of a branch to some neighbouring coal-mines,

then, should the coal-mines be inefficiently worked, the same view would justify the purchase of them—would justify the Company in becoming coal-miner and coal-seller. If anticipated increase of goods and passengers is a sufficient reason for carrying a feeder into an agricultural district, then it is a sufficient reason for organizing a system of coaches and wagons to run in connection with this feeder.; for making the requisite horse-breeding establishments; for hiring the needful farms; for buying estates; for becoming agriculturists. If it be allowable to purchase steamers plying in conjunction with the railway; it must be allowable to purchase merchant vessels to trade in conjunction with it; it must be allowable to set up a yard for building such vessels; it must be allowable to erect depots at foreign ports for the receipt of goods; it must be allowable to employ commission agents for the collection of such goods; it must be allowable to extend a mercantile organization all over the world. From making its own engines and carriages, a Company may readily progress to manufacturing its own iron and growing its own timber. From giving its *employés* secular and religious instruction, and providing houses for them, it may go on to supply them with food, clothing, medical attendance, and all the needs of life. Beginning simply as a corporation to make and work a railway between A and B, it may become a miner, manufacturer, merchant, ship-owner, canal-proprietor, hotel-keeper, land-owner, house-builder, farmer, retail-trader, priest, teacher—an organization of indefinite extent and complication. There is no logical alternative between permitting this, and strictly limiting the corporation to the object first agreed upon. A man joining with others for a specific purpose, must be held to commit himself to that purpose only, or else to all purposes whatever that they may choose to undertake.

But proprietors dissenting from one of these supplementary projects are told that they have the option of selling out. So might the dissentients from a new State-enforced creed be told, that if they did not like it they might leave the country. The one reply is little more satisfactory than the other would be. The opposing shareholder sees himself in possession of a good investment—one perhaps which, as an original subscriber, he ran some risk in obtaining. This investment is about to be endangered by an act not named in the deed of incorporation. And his protests are met by saying, that if he fears the danger he may part with his investment. Surely this choice between two evils scarcely meets his claims. Moreover, he has not even this in any fair sense. It is often an unfavourable time to sell. The very rumour of one of these extensions frequently causes a depreciation of stock. And if many of the minority throw their shares on the market, this depreciation is greatly increased; a fact which further hinders them from selling. Thus, the choice is in reality between parting with a good investment at much less than its value, and running the risk of having its value greatly diminished.

The injustice thus inflicted on minorities is, indeed, already recognized in a certain vague way. The recently-established Standing Order of the House of Lords, that before a Company can carry out any new undertaking, three-fourths of the votes of the proprietors shall be recorded in its favour, clearly implies a perception that the usual rule of the majority does not apply. And again, in the case of the Great Western Railway Company *versus* Rushout, the decision that the funds of the Company could not be used for purposes not originally authorized, without a special legislative permit, involves the doctrine that the will of the greater number is not of unlimited validity. In both these cases, however, it is taken for

granted that a State-warrant can justify what without it would be unjustifiable. We must take leave to question this. If it be held that an Act of Parliament can make murder proper, or can give rectitude to robbery, it may be consistently held that it can sanctify a breach of contract; but not otherwise. We are not about to enter upon the vexed question of the standard of right and wrong; and to inquire whether it is the function of a government to make rules of conduct, or simply to enforce rules deducible from the laws of social life. We are content, for the occasion, to adopt the expediency-hypothesis; and adopting it, must yet contend, that, rightly interpreted, it gives no countenance to this supposed power of a Government to alter the limits of an equitable contract against the wishes of some of the contracting parties. For, as understood by its teachers and their chief disciples, the doctrine of expediency is not a doctrine implying that each particular act is to be determined by the particular consequences that may be expected to flow from it; but that the general consequences of entire classes of acts having been ascertained by induction from experience, rules shall be framed for the regulation of such classes of acts, and each rule shall be uniformly applied to every act coming under it. Our whole administration of justice proceeds on this principle of invariably enforcing an ordained course, regardless of special results. Were immediate consequences to be considered, the verdict gained by the rich creditor against the poor debtor would generally be reversed; for the starvation of the last is a much greater evil than the inconvenience of the first. Most thefts arising from distress would go unpunished; a great portion of men's wills would be cancelled; many of the wealthy would be dispossessed of their fortunes.

But it is clearly seen, that were judges thus guided by proximate evils and benefits, the ultimate result would be

social confusion; that what was immediately expedient would be ultimately inexpedient; and hence the aim at rigorous uniformity, spite of incidental hardships. Now, the binding nature of agreements is one of the commonest and most important principles of civil law. A large part of the causes daily heard in our courts, involve the question, whether in virtue of some expressed or understood contract, those concerned are, or are not, bound to certain acts or certain payments. And when it has been decided what the contract implies, the matter is settled. The contract itself is held sacred. And this sacredness of a contract, being, according to the expediency-hypothesis, justified by the experience of all nations in all times that it is generally beneficial, it is *not* competent for a Legislature to declare that contracts are violable. Assuming always that the contracts are themselves equitable, there is no rational system of ethics which warrants the alteration or dissolving of them, save by the consent of all concerned. If then it be shown, as we think it has been shown, that the contract tacitly entered into by railway shareholders with each other, has definite limits; it is the function of the Government to *enforce*, and not to *abolish*, those limits. It cannot decline to enforce them without running counter, not only to all theories of moral obligation, but to its own judicial system. It cannot abolish them without glaring self-stultification.

Returning, for a moment, to the manifold evils of which the misinterpretation of the proprietary contract was assigned as the cause, it only remains to point out that, were the just construction of this contract insisted upon, such evils would, in great part, be impossible. The various illicit influences by which Companies are daily betrayed into disastrous extensions, would necessarily be inoperative when such extensions could not be undertaken by them. When such extensions had to be undertaken by

independent bodies of shareholders, with no one to guarantee them good dividends, the local and class interests would find it a less easy matter than at present to aggrandize themselves at the expense of others.

And now as to the policy of thus modifying railway legislation—the commercial policy we mean. Leaving out of sight the more general social interests, let us glance at the effects on mercantile interests—the proximate instead of the ultimate effects. The implication contained in the last paragraph, that the making of branches and supplementary lines would no longer be so facile, will be thought to prove the disadvantage of any such limit as the one advocated. Many will argue, that to restrict Companies to their original undertakings would fatally cripple railway enterprise. Many others will remark, that, however detrimental to shareholders this extension system may have been, it has manifestly proved beneficial to the public. Both these positions seem to us more than questionable. We will first look at the last of them.

Even were travelling accommodation the sole thing to be considered, it would not be true that prodigality in new lines has been advantageous. The districts supplied have, in many cases, themselves been injured by it. It is shown by the evidence given before the Select Committee on Railway and Canal Bills, that in Lancashire, the existence of competing lines has, in some cases, both diminished the facilities of communication and increased the cost. It is further shown by this evidence, that a town obtaining branches from two antagonist Companies, by-and-by, in consequence of a working arrangement between these Companies, comes to be worse off than if it had but one branch: and Hastings is quoted as an example.

It is again shown that a district may be wholly de-



prived of railway accommodation by granting a superfluity of lines; as in the case of Wilts and Dorset. In 1844-'5, the Great Western and the South Western Companies projected rival systems of lines, supplying these and parts of the adjacent counties. The Board of Trade "asserting that there was not sufficient traffic to remunerate an outlay for two independent railways," reported in favour of the Great Western schemes, and bills were granted for them: a certain agreement, suggested by the Board of Trade, being at the same time made with the South Western, which, in return for specified advantages, conceded this district to its rival. Notwithstanding this agreement, the South Western, in 1847, projected an extension calculated to take most of the traffic from the Great Western extensions; and in 1848, Parliament, though it had virtually suggested this agreement, and though the Great Western Company had already spent a million and a half in the part execution of the new lines, authorized the South Western project. The result was, that the Great Western Company suspended their works; the South Western Company were unable, from financial difficulties, to proceed with theirs; the district has remained for years unaccommodated; and only since the powers granted to the South Western have expired from delay, has the Great Western recommenced its long-suspended undertakings.

And if this undue multiplication of supplementary lines has often directly decreased the facilities of communication, still more has it done this indirectly, by maintaining the cost of travelling on the main lines. Little as the public are conscious of the fact, it is nevertheless true, that they pay for the accommodation of unremunerative districts, by high fares in remunerative districts. Before this reckless branch-making commenced, 8 and 9 per cent. were the dividends returned by our chief railways; and

these dividends were rapidly increasing. The maximum dividend allowed by their Acts is 10 per cent. Had there not been unprofitable extensions, this maximum would have been reached many years since; and in the absence of the power to undertake new works, the fact that it had been reached could not have been hidden. Lower rates for goods and passengers would necessarily have followed. These would have caused a large additional traffic; and with the aid of the natural increase otherwise going on, the maximum would shortly again have been reached.

There can scarcely be a doubt that repetitions of this process would, before now, have reduced the fares and freights on our main lines to at least one-third less than the present ones. This reduction, be it remembered, would have affected those railways which subserve commercial and social intercourse in the greatest degree—would, therefore, have applied to the most important part of the traffic throughout the kingdom. As it is, however, this greater proportion of the traffic has been heavily taxed for the benefit of the smaller proportion. That the tens who travel on branches might have railway communication, the hundreds who travel along main lines have been charged 30, perhaps 40 per cent. extra. Nay, worse: that these tens might be accommodated, the hundreds who would have been brought on to the main lines by lower fares have gone unaccommodated. Is it then so clear that undertakings which have been disastrous to shareholders have yet been beneficial to the public? \*

But it is not only in greater cost of transit that the evil has been felt; it has been felt also in diminished safety. The multiplication of railway accidents, which has of late years drawn so much attention, has been in no inconsiderable degree caused by the extension policy. The relation is not obvious, and we had ourselves no conception that such a relation existed, until the facts illustra

tive of it were furnished to us by a director who had witnessed the whole process of causation. When preference-share dividends and guarantees began to make large draughts upon half-yearly revenues—when original stock was greatly depreciated, and the dividends upon it fell from 9 and 8 per cent. to  $4\frac{1}{2}$  and 4 and  $3\frac{1}{2}$ , great dissatisfaction necessarily arose among shareholders. There were stormy meetings, motions of censure, and committees of investigation. Retrenchment was the general cry; and retrenchment was carried to a most imprudent extent. Directors with an indignant proprietary to face, and under the fear that their next dividend would be no greater, perhaps less, than the last, dared not to lay out money for the needful repairs. Permanent way, reported to them as requiring to be replaced, was made to serve awhile longer. Old rolling stock was not superseded by new to the proper extent; nor increased in proportion to the demand. Committees, appointed to examine where the expenditure could be cut down, went round discharging a porter here, dispensing with a clerk there, and diminishing the salaries of the officials in general. To such a length was this policy carried, that in one case, to effect a saving of £1,200 per annum, the working staff was so crippled as to cause, in the course of a few years, a loss of probably £100,000: such, at least, is the opinion of the gentleman on whose authority we make this statement, who was himself one of the retrenchment committee.

What, now, was the necessary result of all this? With the line out of condition; with engines and carriages neither sufficient in number nor in the best working order; with drivers, guards, porters, clerks, and the rest, decreased to the smallest number with which it was possible to work; with inexperienced managers in place of the experienced ones driven away by reduced salaries; what was likely to occur? Was it not certain that an

apparatus of means just competent to deal with the ordinary traffic, would be incompetent to deal with extraordinary traffic? that a decimated body of officials under inferior regulation, would fail in the emergencies sure from time to time to occur? that with way and works and rolling stock all below par, there would occasionally be a concurrence of small defects, permitting something to go wrong? Was not a multiplication of accidents inevitable? No one can doubt it. And if we trace back this result step by step to its original cause—the reckless expenditure in new lines—we shall see further reason to doubt whether such expenditure has been as advantageous to the public as is supposed. We shall hesitate to indorse the opinion of the Select Committee on Railway and Canal Bills, that it is desirable “to increase the facility for obtaining lines of local convenience.”

Still more doubtful becomes the alleged benefit accruing to the public from extensions that cause loss to shareholders, when, from considering the question as one of traffic, we turn to consider it as a general commercial question—a question of political economy. Were there no facts showing that the travelling facilities gained were counterbalanced, if not more than counterbalanced, by the travelling facilities lost, we should still contend that the making of branches which do not return fair dividends, is a national evil, and not a national good. The prevalent error committed in studying matters of this nature, consists in looking at them separately, rather than in connection with other social wants and social benefits. Not only does one of these undertakings, when executed, affect society in various ways, but, the effort put forth in the execution of it affects society in various ways; and to form a true estimate, the two sets of results must be compared. The axiom that “action and reaction are equal, and in opposite directions,” is true, not only in mechanics—it is true

everywhere. No power can be put forth by a nation to achieve a given end, without producing, for the time being, a corresponding inability to achieve some other end. No amount of capital can be abstracted for one purpose, without involving an equivalent lack of capital for another purpose. Every advantage wrought out by labour, is purchased by the relinquishment of some alternative advantage which that labour might else have wrought out. In judging, therefore, of the benefits flowing from any public undertaking, it is requisite to consider them not by themselves, but as contrasted with the benefits which the invested capital would otherwise have secured.

But how can these relative benefits be measured? it may be asked. Very simply. The rate of interest which the capital will bring as thus respectively applied, is the measure. Money which, if used for a specific end, gives a smaller return than it would give if otherwise used, is used disadvantageously, not only to its possessors, but to the community. This is a corollary from the commonest principles of political economy—a corollary so simple that we can scarcely understand how, after the free-trade controversy, a committee, numbering among its members Mr. Bright and Mr. Cardwell, should have overlooked it. Have we not been long ago taught, that in the mercantile world capital goes where it is most wanted—that the business which is at any time attracting capital by unusually high returns, is a business proved by that very fact to be unusually active—that its unusual activity shows society to be making great demands upon it; giving it high profits; wanting its commodities or services more than other commodities or services? Do not comparisons among our railways demonstrate that those paying large dividends are those subserving the public needs in a greater degree than those paying smaller dividends? and is it not obvious that the efforts of capitalists to get these larger

dividends led them to supply the greater needs before the lesser needs?

Surely, the same law which holds in ordinary commerce, and also holds between one railway investment and another, holds likewise between railway investments and other investments. If the money spent in making branches and feeders is yielding an average return of from 1 to 2 per cent., while if employed in land-draining or ship-building, it would return 4 or 5 per cent. or more, it is a conclusive proof that money is more wanted for land-draining and ship-building than for branch-making. And the general conclusions to be drawn are, that that large proportion of railway capital which does not pay the current rate of interest, is capital ill laid out; that if the returns on such proportion were capitalized at the current rate of interest, the resulting sum would represent its real value; and that the difference between this sum and the amount expended, would indicate the national loss—a loss which, on the lowest estimate, would exceed £100,000,000. And however true it may be that the sum invested in unprofitable lines will go on increasing in productiveness, yet as, if more wisely invested, it would similarly have gone on increasing in productiveness, perhaps even at a greater rate, this vast loss must be regarded as a permanent and not as a temporary one. •

Again then, we ask, is it so obvious that undertakings which have been disastrous to shareholders have been advantageous to the public? Is it not obvious, rather, that in this respect, as in others, the interests of shareholders and the public are in the end identical? And does it not seem that instead of recommending "increased facilities for obtaining lines of local convenience," the Select Committee might properly have reported that the existing facilities are abnormally great, and should be decreased?

There remains still to be considered the other of the

two objections above stated as liable to be raised against the proposed interpretation of the proprietary contract—the objection, namely, that it would be a serious hindrance to railway enterprise. After what has already been said, it is scarcely needful to reply, that the hindrance would be no greater than is natural and healthful—no greater than is requisite to hold in check the private interests at variance with public ones. This notion that railway enterprise will not go on with due activity without artificial incentives—that bills for local extensions “rather need encouragement,” as the committee say, is nothing but a remnant of protectionism. The motive which has hitherto led to the formation of all independent railway companies—the search of capitalists for good investments—may safely be left to form others as fast as local requirements become great enough to promise fair returns; as fast, that is, as local requirements should be satisfied. This would be manifest enough without illustration; but there are facts proving it.

Already we have incidentally referred to the circumstance, that it has of late become common for landowners, merchants, and others locally interested, to get up railways for their own accommodation, which they do not expect to pay satisfactory dividends; and in which they are yet content to invest considerable sums, under the belief that the indirect profits accruing to them from increased facilities of traffic, will outbalance the direct loss. To so great an extent is this policy being carried, that, as stated to the Select Committee, “in Yorkshire and Northumberland, where branch lines are being made through mere agricultural districts, the landowners are *giving their land* for the purpose, and taking shares.” With such examples before us, it cannot rationally be doubted that there will always be capital forthcoming for making local lines as soon as the sum of the calculated benefits, direct and indirect, justifies its expenditure.

"But," it will be urged, "a branch that would be unremunerative as an independent property, is often remunerative to the company that has made it, in virtue of the traffic it brings to the trunk line. Though yielding meagre returns on its own capital, yet, by increasing the returns on the capital of the trunk line, it compensates, or more than compensates. Were the existing company, however, forbidden to extend its undertaking, such a branch would not be made, and injury would result." This is all true, with the exception of the last assertion, that such a branch would not be made. Though in its corporate capacity the company owning the trunk line would be unable to join in a work of this nature, there would be nothing to prevent individual shareholders in the trunk line from doing so to any extent they thought fit: and were the prospects as favourable as is assumed, this course, being manifestly advantageous to individual shareholders, would be pursued by many of them. If, acting in concert with others similarly circumstanced, the owner of £10,000 worth of stock in the trunk line, could aid the carrying out of a proposed feeder promising to return only 2 per cent. on its cost, by taking shares to the extent of £1,000, it would answer his purpose to do this, providing the extra traffic it brought would raise the trunk-line dividend by one-fourth per cent. Thus, under a limited proprietary contract, companies would still, as now, foster extensions where they were wanted; the only difference being, that in the absence of guaranteed dividends, some caution would be shown, and the poorer shareholders would not, as at present, be sacrificed to the richer.

In brief, our position is, that whenever, by the efforts of all parties to be advantaged—local landowners, manufacturers, merchants, trunk-line shareholders, &c., the capital for an extension can be raised—whenever it becomes



clear to all such, that their indirect profits plus their direct profits will make the investment a paying one; the fact is proof that the line is wanted. On the contrary, whenever the prospective gains to those interested are insufficient to induce them to undertake it, the fact is proof that the line is not wanted so much as other things are wanted, and therefore *ought not to be made*. Instead, then, of the principle we advocate being objectionable as a check to railway enterprise, one of its merits is, that by destroying the artificial incentives to such enterprise, it would confine it within normal limits.

A perusal of the evidence given before the Select Committee will show that it has sundry other merits, which we have space only to indicate.

It is estimated by Mr. Laing—and Mr. Stephenson, while declining to commit himself to the estimate, “does not believe he has overstated it”—that out of the £280,000,000 already raised for the construction of our railways, £70,000,000 has been needlessly spent in contests, in duplicate lines, in “the multiplication of an immense number of schemes prosecuted at an almost reckless expense;” and Mr. Stephenson believes that this sum is “a very inadequate representative of the actual loss in point of convenience, economy, and other circumstances connected with traffic, which the public has sustained” by reason of parliamentary carelessness in legislating for railways.” Under an equitable interpretation of the proprietary contract, the greater part of this would have been avoided.

The competition between rival companies in extension and branch-making, which has already done vast injury, and the effects of which, if not stopped, will, in the opinion of Mr. Stephenson, be such that “property now paying  $5\frac{1}{2}$  per cent. will in ten years be worth only 3 per cent. and that on twenty-one millions of money,”—this competition could never have existed in its intense and deleterious form under the limiting principle we advocate.

Prompted by jealousy and antagonism, our companies have obtained powers for 2,000 miles of railway which they have never made. The millions thus squandered in surveys and parliamentary contests—"food for lawyers and engineers"—would nearly all have been saved, had each supplementary line been obtainable only by an independent body of proprietors with no one to shield them from the penalties of reckless scheming.

• It is admitted that the branches and feeders constructed from competitive motives have not been laid out in the best directions for the public. To defeat, or retaliate upon, opponents, having been one of the ends—often the chief end—in making them, routes have been chosen especially calculated to effect this end; and the local traffic has in consequence been ill provided for. Had these branches and feeders, however, been left to the enterprise of their respective districts, aided by such other enterprise as they could attract, the reverse would have been the fact: seeing that on the average, in these smaller cases, as in the greater ones, the routes which most accommodate the public must be the routes most profitable to projectors.

Were the illegitimate competition in extension-making done away, there would remain between companies just that normal competition which is advantageous to all. It is not true, as is alleged, that there cannot exist between railways a competition analogous to that which exists between traders. The evidence of Mr. Saunders, the Secretary of the Great Western Company, proves the contrary. He shows that where the Great Western and the North Western railways communicate with the same towns, as at Birmingham and Oxford, each has tacitly adopted the fare which the other was charging; and that while there is thus no competition in fares, there is competition in speed and accommodation. The results are, that each takes that portion of the traffic, which, in virtue of its po-

sition and local circumstances, naturally falls to its share; that each stimulates the other to give the greatest advantages it can afford; and that each keeps the other in order by threatening to take away its natural share of the traffic, if, by ill-behaviour or inefficiency, it counterbalances the special advantages it offers. Now, this is just the form which competition eventually assumes between traders. After it has been ascertained by underselling what is the lowest remunerative price at which any commodity can be sold, the general results are, that that becomes the established price; that each trader is content to supply those only who, from proximity or other causes, naturally come to him; and that only when he treats his customers badly, need he fear that they will inconvenience themselves by going elsewhere for their goods.

Is there not, then, pressing need for an amendment of the laws affecting the proprietary contract—an amendment which shall transform it from an unlimited into a limited contract; or rather not *transform* it into such, but *recognize* it as such? If there be truth in our argument, the absence of any limitation has been the chief cause of the manifold evils of our railway administration. The share-trafficking of directors; the complicated intrigues of lawyers, engineers, contractors, and others; the betrayal of proprietaries—all the complicated corruptions which we have detailed, have primarily arisen from it, have been made possible by it. It has rendered travelling more costly and less safe than it would have been; and while apparently facilitating traffic, has indirectly hindered it. By fostering antagonism, it has led to the ill laying-out of supplementary lines; to the wasting of enormous sums in useless parliamentary contests; to the loss of an almost incredible amount of national capital in the making of railways for which there is no due requirement. Regarded

in the mass, the investments of shareholders have been reduced by it to less than half the average productiveness which such investments should possess; and, as all authorities admit, railway property is, even now, kept below its real value, by the fear of future depreciations consequent on future extensions.

Considering, then, the vastness of the interests at stake—considering that the total capital of our companies will soon reach £300,000,000—considering, on the one hand, the immense number of persons owning this capital (many of them with no incomes but what are derived from it), and, on the other hand, the great extent to which the community is concerned, both directly as to its commercial facilities, and indirectly as to the economy of its resources—considering all this, it becomes extremely important that railway property should be placed on a secure footing, and railway enterprise confined within normal bounds. The change is demanded alike for the welfare of shareholders and the public; and it is one which equity manifestly dictates. No charge of over-legislation can be brought against it. It is simply an extension to joint-stock contracts, of the principle applied to all other contracts; it is merely a fulfilment of the State's judicial function in cases hitherto neglected; it is nothing but a better administration of justice.

## VIII.

### GRACEFULNESS

THE doctrine that Beauty is our general name for certain qualities of things which are habitually associated with our gratifications, and that thus our idea of beauty is a result of accumulated pleasurable experiences—a doctrine with which, under an expanded form, I wholly agree—has not, I think, been applied to that quality of form and movement which we term Grace.

The attribute to which we apply this term clearly implies some perfection in the thing possessing it. We do not ascribe this attribute to cart-horses, tortoises, and hippopotami, in all of which the powers of movement are imperfectly developed; but we do ascribe it to greyhounds, antelopes, racehorses, all of which have highly efficient locomotive organs. What, then, is this distinctive peculiarity of structure and action which we call Grace?

One night while watching a dancer, and inwardly condemning her *jours de force* as barbarisms which would be hissed, were not people such as always to applaud what they think it the fashion to applaud, I remarked that the truly graceful motions occasionally introduced, were those performed with comparatively little effort. And remembering sundry confirmatory facts, I presently

came to the general conclusion, that, given a certain change of attitude to be gone through—a certain action to be achieved, then it is most gracefully achieved when achieved with the least expenditure of force. In other words, grace, as applied to motion, describes motion that is effected with an economy of muscular power; grace, as applied to animal forms, describes forms capable of this economy; grace, as applied to postures, describes postures that may be maintained with this economy; and grace, as applied to inanimate objects, describes such as exhibit certain analogies to these attitudes and forms.

That this generalization, if not the whole truth, contains at least a large part of it, will, I think, become obvious, on considering how habitually we couple the words *easy* and *graceful*; and still more, on calling to mind some of the facts on which this association is based. The attitude of a soldier, drawing himself bolt upright when his sergeant shouts "attention," is more remote from gracefulness than when he relaxes at the words "stand at ease." The *gauche* visitor sitting stiffly on the edge of his chair, and his self-possessed host, whose limbs and body dispose themselves as convenience dictates, are contrasts as much in effort as in elegance. When standing, we commonly economize power by throwing the weight chiefly on one leg, which we straighten to make it serve as a column, while we relax the other; and to the same end, we allow the head to lean somewhat on one side. Both these attitudes are imitated in sculpture as elements of grace.

Turning from attitudes to movements, our current remarks will be found to imply the same relationship. No one praises as graceful, a walk that is irregular and jerking, and so displays waste of power; no one sees any beauty in the waddle of a fat man, or the trembling steps of an invalid, in both of which effort is visible. But the style of walk-

ing we admire is moderate in velocity, perfectly rhythmical, unaccompanied by violent swinging of the arms, and giving us the impression that there is no conscious exertion, and, at the same time, that there is no force thrown away. In dancing, again, the prevailing difficulty—the proper disposal of the hands and arms—well illustrates the same truth. Those who fail in overcoming this difficulty give the spectator the impression that their arms are a trouble to them; they are held stiffly in some meaningless attitude, at an obvious expense of power; they are checked from swinging in the directions in which they would naturally swing; or they are so moved, that, instead of helping to maintain the equilibrium, they endanger it. A good dancer, on the contrary, makes us feel that, so far from the arms being in the way, they are of great use. Each motion of them, while it seems naturally to result from a previous motion of the body, is turned to some advantage. We perceive that it has facilitated instead of hindered the general action; or, in other words—that an economy of effort has been achieved. Any one wishing to distinctly realize this fact, may readily do so by studying the action of the arms in walking. Let him place his arms close to his sides, and there keep them, while walking with some rapidity. He will unavoidably fall into a backward and forward motion of the shoulders, of a wriggling, ungraceful character. After persevering in this for a space, until he finds, as he will do, that the action is not only ungraceful but fatiguing, let him suddenly allow his arms to swing as usual. The wriggling of the shoulders will cease; the body will be found to move equably forward; and comparative ease will be felt. On analyzing this fact, he may perceive that the backward motion of each arm is simultaneous with the forward motion of the corresponding leg; and, if he will attend to his muscular sensations, he will find (what if a mathemati-

cian he will recognize as a consequence of the law that action and reaction are equal and opposite) that this backward swing of the arm is a counterbalance to the forward swing of the leg; and that it is easier to produce this counterbalance by moving the arm than by contorting the body, as he otherwise must do.\*

The action of the arms in walking being thus understood, it will be manifest that the graceful employment of them in dancing is simply a complication of the same thing; and that a good dancer is one having so acute a muscular sense as at once to feel in what direction the arms should be moved to most readily counterbalance any motion of the body or legs.

This connection between gracefulness and economy of force, will be most vividly recognized by those who skate. They will remember that all early attempts, and especially the first timid experiments in figure skating, are alike awkward and fatiguing; and that the acquirement of skill is also the acquirement of ease. The requisite confidence, and a due command of the feet having been obtained,

\* A parallel fact, further elucidating this, is supplied by every locomotive engine. On looking at the driving-wheel, there will be found besides the boss to which the connecting rod is attached, a corresponding mass of metal on the opposite side of the wheel, and equidistant from the centre; or, if the engine be one having inside cylinders, then, on looking between the spokes of the driving-wheel, it will be seen that against each crank is a block of iron, similar to it in size, but projecting from the axle in the reverse direction. Evidently, being placed on opposite sides of the centre of motion, each crank and its counterbalance move in opposite directions relatively to the axle; and by so doing, neutralize each other's perturbing effects, and permit a perfectly smooth rotation. Just the same relationship that exists between the motions of the counterbalance and the crank, exists between the motions of the arms and legs in walking; and in the early days of railway locomotion, before these counterbalance weights were used, locomotive driving-wheels were subject to violent oscillations, strictly analogous to those jerks of the shoulders that arise when we walk fast without moving our arms.



those twistings of the trunk and gyrations of the arms, previously used to maintain the balance, are found needless; the body is allowed to follow without control the impulse given to it; the arms to swing where they will; and it is clearly felt that the graceful way of performing any evolution is the way that costs least effort. Spectators can scarcely fail to see the same fact, if they look for it. Perhaps there is no case in which they may so distinctly perceive that the movements called graceful are those which fulfil a given end with the smallest expenditure of force.

The reference to skating suggests, that graceful motion might be defined as motion in curved lines. Certainly, straight and zig-zag movements are excluded from the conception. The sudden stoppages and irregularities which angular movements imply, are its antithesis: for a leading element of grace is continuity, flowingness. It will be found, however, that this is merely another aspect of the same truth; and that motion in curved lines is economical motion. Given certain successive positions to be assumed by a limb, then if it be moved in a straight line to the first of these positions, suddenly arrested, and then moved in another direction straight to the second position, and so on, it is clear that at each arrest, the momentum previously given to the limb must be destroyed at a certain cost of force, and a new momentum given to it at a further cost of force; whereas, if, instead of arresting the limb at its first position, its motion be allowed to continue, and a lateral force be impressed upon it to make it diverge towards the second position, a curvilinear motion is the necessary result: and by making use of the original momentum, force is economized.

If the truth of these conclusions respecting graceful movement be admitted, it cannot, I think, be doubted, that graceful form is that kind of form which both im-

presses us with the small effort required for self-support, and the small effort required for movement. Were it otherwise, there would arise the incongruity that graceful form would either not be associated at all with graceful movement, or that the one would habitually occur in the absence of the other; both which alternatives being quite at variance with our experience, we are compelled to conclude that there exists the relationship indicated. Any one hesitating to admit this, will, I think, do so no longer on remembering that the animals which we consider graceful, are those so slight in build as not to be burdened by their own weight, and those noted for fleetness and agility; while those we class as ungraceful, are those which are alike cumbersome and have the faculty of locomotion but little developed. In the case of the greyhound, especially, we see that the particular modification of the canine type in which the economy of weight is the most conspicuous, and in which the facility of muscular motion has been brought by habit to the greatest perfection, is the one which we call most graceful.

How trees and inanimate objects should ever come to have this epithet applied to them, will seem less obvious. But the fact that we commonly, and perhaps unavoidably, regard all objects under a certain anthropomorphic aspect, will, I think, help us to understand it. The stiff branch of an oak tree standing out at right angles to the trunk, gives us a vague notion of great force expended to keep it in that position; and we call it ungraceful, under the same feeling that we call the holding out an arm at right angles to the body ungraceful. Conversely, the lax drooping boughs of a weeping-willow are vaguely associated with limbs in easy attitudes—attitudes requiring little effort to maintain them: and the term graceful, by which we describe these, we apply by metaphor to the willow.

I may as well here, in a few lines, venture the hypoth-

esis, that this notion of Grace has its subjective basis in Sympathy. The same faculty which makes us shudder on seeing another in danger—which sometimes causes motion of our own limbs on seeing another struggle or fall, gives us a vague participation in all the muscular sensations which those around us are experiencing. When their motions are violent or awkward, we feel in a slight degree the disagreeable sensations which we should have were they our own. When they are easy, we sympathize with the pleasant sensations they imply in those exhibiting them.

## IX.

### STATE-TAMPERINGS WITH MONEY AND BANKS.

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**A**MONG unmitigated rogues, mutual trust is impossible. Among people of absolute integrity, mutual trust would be unlimited. These are truisms. Given a nation made up entirely of liars and thieves, and all trade among its members must be carried on either by barter or by a currency of intrinsic value:—nothing in the shape of *promises* to pay can pass in place of *actual* payments; for, by the hypothesis, such promises being never fulfilled, will not be taken. On the other hand, given a nation of perfectly honest men—men as careful of others' rights as of their own—and nearly all trade among its members may be carried on by memoranda of debts and claims, eventually written off against each other in the books of bankers; seeing that as, by the hypothesis, no man will ever issue more memoranda of debts than his goods and his claims will liquidate, his paper will pass current for whatever it represents: coin will be needed only as a measure of value, and to facilitate those small transactions for which it is physically the most convenient. These we take to be self-evident truths.

From them follows the corollary, that in a nation neither wholly honest nor wholly dishonest, there may, and eventually will, be established a mixed currency—a currency partly of intrinsic value, and partly of credit-value. The ratio between the quantities of these two kinds of currency, will be determined by a combination of several causes.

Supposing that there is no legislative meddling to disturb the natural balance, it is clear from what has already been said, that, fundamentally, the proportion of coin to paper will depend on the average conscientiousness of the people. Daily experience must ever be teaching each citizen, which other citizens he can put confidence in, and which not. Daily experience must also ever be teaching him how far this confidence may be carried. From personal experiment, and from current opinion which results from the experiments of others, every one must learn, more or less truly, what credit may safely be given. If all find that their neighbours are little to be trusted, but few promises-to-pay will circulate. And the circulation of promises-to-pay will be great, if all find that the fulfilment of trading engagements is tolerably certain. The degree of *honesty* characterizing a community, being the first regulator of a credit-currency; the second is the degree of *prudence*.

Other things equal, it is manifest that among a sanguine, speculative people, promissory payments will be taken more readily, and will therefore circulate more largely, than among a cautious people. Two men having exactly the same experiences of mercantile risks, will, under the same circumstances, respectively give credit and refuse it, if they are respectively rash and circumspect. And two nations thus contrasted in prudence, will be similarly contrasted in the relative quantities of notes and bills in circulation among them. Nay, they will be more

than similarly contrasted in this respect; seeing that the prevailing incautiousness, besides making each citizen unduly ready to give credit, will also produce in him an undue readiness to risk his own capital in speculations, and a consequent undue demand for credit from other citizens. There will be both an increased pressure for credit, and a diminished resistance; and therefore a more than proportionate excess of paper-currency. Of this national characteristic and its consequences, we have a conspicuous example in the United States.

To these comparatively permanent moral causes, on which the ordinary ratio of hypothetical to real money in a community depends, have to be added certain temporary moral and physical causes, which produce temporary variations in the ratio. The prudence of any people is liable to more or less fluctuation. In railway-maniacs and the like, we see that irrational expectations may spread through a whole nation, and lead its members to give and take credit almost recklessly. But the chief causes of temporary variation are those which directly affect the quantity of available capital. Wars, deficient harvests, or losses consequent on the misfortunes of other nations, will, by impoverishing the community, inevitably lead to an increase in the ratio of *promissory payments to actual payments*. For what must be done by the citizen disabled by such causes from meeting his engagements?—the shopkeeper whose custom has greatly fallen off in consequence of the high price of bread; or the manufacturer whose goods lie in his waterrooms unsaleable; or the merchant whose foreign correspondents fail him? As the proceeds of his business do not suffice to liquidate the claims on him that are falling due, he is compelled either to find other means of liquidating them, or to stop payment. Rather than stop payment, he will, of course, make temporary sacrifices—will give high terms to who-

ever will furnish him with the desired means. If, by depositing securities with his banker, he can get a loan at an advanced rate of interest, well. If not, by offering an adequate temptation, he may mortgage his property to some one having good credit; who either gives bills, or draws on his banker for the sum agreed on. In either case, extra promises to pay are issued; or, if the difficulty is met by accommodation-bills, the same result follows. And in proportion to the number of citizens obliged to resort to one or other of these expedients, must be the increase of promissory payments in circulation. Reduce the proposition to its most general terms, and it becomes self-evident. Thus:—All bank-notes, cheques, bills of exchange, etc., are so many *memoranda of claims*; no matter what may be the technical distinctions among them, on which upholders of the “currency principle” seek to establish their dogma, they all come within this definition.

Under the ordinary state of things, the amount of available wealth in the hands, or at the command, of those concerned, suffices to meet these claims as they are severally presented for payment; and they are paid either by equivalents of intrinsic value, as coin, or by giving in place of them other memoranda of claims on somebody of undoubted solvency. But now let the amount of available wealth in the hands of the community be greatly diminished. Suppose a large portion of the necessities of life, or coin, which is the most exchangeable equivalent of such necessities, has been sent abroad to support an army, or to subsidize foreign states; or, suppose that there has been a failure in the crops of grain or potatoes. Suppose, in short, that, for the time being, the nation is impoverished. What follows? It follows that a proportion of the claims cannot be liquidated. And what must happen from their non-liquidation? It must happen that those unable to liquidate them will either fail, or they will

redeem them by directly or indirectly giving in exchange certain memoranda of claims on their stock-in-trade, houses, or land. That is, such of these claims as the deficient *floating* capital does not suffice to meet, are replaced by claims on *fixed* capital. The memoranda of claims which should have *disappeared* by liquidation, *reappear* in a new form; and the quantity of paper-currency is increased. If the war, famine, or other cause of impoverishment continues, the process is repeated. Those who have no further fixed capital to mortgage, become bankrupt; while those whose fixed capital admits, mortgage still further, and still further increase the promissory payments in circulation. Manifestly, if the members of a community whose annual returns but little more than suffice to meet their annual debts, suddenly lose part of their annual returns, they must become proportionately in debt to each other; and the documents expressive of debt must be proportionately multiplied.

• This *a priori* conclusion is in perfect harmony with mercantile experience. The last hundred years have furnished repeated illustrations of its truth. After the enormous export of gold in 1795-'6 for war-loans to Germany, and to meet bills drawn on the Treasury by British agents abroad; and after large advances made under a moral compulsion by the Bank of England to the Government, there followed an excessive issue of bank-notes. In 1796-'7, there were failures of the provincial banks; a panic in London; a run on the nearly-exhausted Bank of England, and a suspension of cash-payments—a State-authorized refusal to redeem promises to pay. In 1800, the further impoverishment consequent on a bad harvest, joined with the legalized inconvertibility of bank-notes, entailed so great a multiplication of them as to cause their depreciation. During the temporary peace of 1802, the country partly recovered itself, and the Bank of England



would have liquidated the claims on it, had the Government allowed. On the subsequent resumption of war, the phenomenon was repeated: as in later times it has been on each occasion when the community, carried away by irrational hopes, has locked up an undue proportion of its capital in permanent works.

Moreover, we have still more conclusive illustrations—illustrations of the sudden cessation of commercial distress and bankruptcy, resulting from a sudden increase of credit-circulation. When, in 1793, there came a general crash, mainly due to an unsafe banking-system which had grown up in the provinces *in consequence* of the Bank of England monopoly—when the pressure, extending to London, became so great as to alarm the Bank-directors and to cause them suddenly to restrict their issues, thereby producing a frightful multiplication of bankruptcies; the Government (to mitigate an evil indirectly produced by legislation) determined to issue Exchequer-Bills to such as could give adequate security. That is, they allowed hard-pressed citizens to mortgage their fixed capitals for equivalents of State-promises to pay, with which to liquidate the demands on them. The effect was magical. £2,202,000 only of Exchequer-Bills were required. The consciousness that loans could be had, in many cases prevented them from being needed. The panic quickly subsided. And all the loans were very soon repaid. In 1825, again, when the Bank of England, after having intensified a panic by extreme restriction of its issues, suddenly changed its policy, and in four days advanced £5,000,000 notes on all sorts of securities, the panic at once ceased.

And now, mark two important truths. As just implied, those expansions of paper-circulation which naturally take place in times of impoverishment or commercial difficulty, are highly salutary. This issuing of securities

for future payment when there does not exist the wherewith for immediate payment, is a means of mitigating national disasters. The process amounts to a postponement of trading-engagements that cannot at once be met. And the alternative questions to be asked respecting it are—Shall all the merchants, manufacturers, shopkeepers, etc., who, by unwise investments, or war, or famine, or great losses abroad, have been in part deprived of the means of meeting the claims upon them, be allowed to mortgage their fixed capital? or, by being debarred from issuing memoranda of claims on their fixed capital, shall they be made bankrupts? On the one hand, if they are permitted to avail themselves of that credit which their fellow-citizens willingly give them on the strength of the proffered securities, most of them will tide over their difficulties: in virtue of that accumulation of surplus capital ever going on, they will be able, by-and-by, to liquidate their debts in full. On the other hand, if, as they must else be, they are forthwith bankrupted, carrying with them others, and these again others, there follows a disastrous loss to all the creditors: property to an immense amount being peremptorily sold at a time when there can be comparatively few able to buy, must go at a great sacrifice; and those who in a year or two would have been paid in full, must be content with '10s. in the pound. Added to which evil comes the still greater one—an extensive damage to the organization of society. Numerous importing, producing, and distributing establishments are swept away; tens of thousands of their dependents are left without work; and before the industrial fabric can be repaired, a long time must elapse, much labour must lie idle, and great distress be borne. Between these alternatives, who, then, can pause? Let this spontaneous remedial process follow its own course, and the evil will either be in great measure eventually escaped, or will be spread little by little over a

considerable period. Stop this remedial process, and the whole evil, falling at once on society, will bring widespread ruin and misery.

The second of these important truths, is, that an expanded circulation of promises to pay, caused by absolute or relative impoverishment, contracts to its normal limits as fast as the need for expansion disappears. For the conditions of the case imply, that all who have mortgaged their fixed capitals to obtain the means of meeting their engagements, have done so on very unfavourable terms; and are therefore under a strong stimulus to pay off their mortgages as quickly as possible. Every one who, at a time of commercial pressure, gets a loan from a bank, has to give high interest. Hence, as fast as prosperity returns, and his profits accumulate, he gladly escapes this heavy tax by repaying the loan: in doing which he takes back to the bank as large a number of its promises to pay as he originally received; and so diminishes the note-circulation as much as his original transaction had increased it. Considered apart from technical distinctions, a banker performs, in such case, the function of an agent in whose name traders issue negotiable memoranda of claims on their estates. The agent is already known to the public as one who issues memoranda of claims on capital that is partly floating and partly fixed—memoranda of claims that have an established character, and are convenient in their amounts. What the agent does under the circumstances specified, is to issue more such memoranda of claims, on the security of more fixed, and partially-fixed, capital put in his possession. His clients hypothecate their estates through the banker, instead of doing it in their own names, simply because of the facilities which he has and which they have not. And as the banker requires to be paid for his agency and his risk, his clients redeem their estates, and close these special trans-

actions with him, as quickly as they can : thereby diminishing the amount of credit-currency.

Thus we see that the balance of a mixed currency is, under all circumstances, self-adjusting. Supposing considerations of physical convenience out of the question, the average ratio of paper to coin is primarily dependent on the average trustworthiness of the people, and secondarily dependent on their average prudence. When, in consequence of unusual prosperity, there is an unusual increase in the number of mercantile transactions, there is a corresponding increase in the quantity of currency, both metallic and paper, to meet the requirement. And when from war, famine, or over-investment, the available wealth in the hands of citizens is insufficient to pay their debts to each other, the memoranda of debts in circulation acquire an increased ratio to the quantity of gold : to decrease again as fast as the excess of debts can be liquidated.

° That these self-regulating processes act but imperfectly, is doubtless true. With an imperfect humanity, they cannot act otherwise than imperfectly. People who are dishonest, or rash, or stupid, will inevitably suffer the penalties of dishonesty, or rashness, or stupidity. If any think that by some patent legislative mechanism, a society of bad citizens can be made to work together as well as a society of good ones, we shall not take pains to show them the contrary. If any think that the dealings of men deficient in uprightness and foresight, may be so regulated by cunningly-devised Acts of Parliament, as to secure the effects of uprightness and foresight, we have nothing to say to them. Or if there are any (and we fear there are numbers) who think that in times of commercial difficulty, resulting from impoverishment or other natural causes, the evil can be staved-off by some ministerial sleight of hand, we despair of convincing them that the

thing is impossible. See it or not, however, the truth is, that the State can do none of these things. As we shall show, the State can, and sometimes does, *produce* commercial disasters. As we shall also show, it can, and sometimes does, *exacerbate* the commercial disasters otherwise produced. But while it can create and can make worse, it cannot prevent.

All which the State has to do in the matter, is to discharge its ordinary office—to administer justice. The enforcement of contracts is one of the functions included in its general function of maintaining the rights of citizens. And among other contracts which it is called on to enforce, are the contracts expressed on credit-documents—bills of exchange, cheques, bank-notes. If any one issues a promise-to-pay, either on demand or at specified date, and does not fulfil that promise, the State, when appealed to by the creditor, is bound in its protective capacity to obtain fulfilment of the promise, at whatever cost to the debtor; or such partial fulfilment of it as his effects suffice for. The State's duty in the case of the currency, as in other cases, is sternly to threaten the penalty of bankruptcy on all who make engagements which they cannot meet; and sternly to inflict the penalty when called on by those aggrieved. If it falls short of this, mischief ensues. If it exceeds this, mischief ensues. Let us glance at the facts.

Had we space to trace in detail the history of the Bank of England—to show how the privileges contained in its first charter were bribes given by a distressed Government in want of a large loan—how, soon afterwards, the law which forbade a partnership of more than six persons from becoming bankers, was passed to prevent the issue of notes by the South-Sea Company, and so to preserve the Bank-monopoly—how the continuance of State-favours

to the Bank-corresponded with the continuance of the Bank's claims on the State; we should see that, from the first, banking-legislation has been an organized injustice. But passing over earlier periods, let us begin with the events that closed the last century. Our rulers of that day had entered into a war—whether with adequate reason, needs not here be discussed. They had lent vast sums of gold to their allies. They had demanded large advances from the Bank of England, which the Bank durst not refuse. They had thus necessitated an excessive issue of notes by the Bank. That is, they had so greatly diminished the floating capital of the community, that engagements could not be met, and an immense number of promises-to-pay took the place of actual payments. Soon after, the fulfilment of these promises became so difficult that it was forbidden by law; that is, cash-payments were suspended. Now for these results—for the national impoverishment and consequent abnormal condition of the currency, the State was responsible.

How much of the blame lay with the governing classes, and how much with the nation at large, we do not pretend to say. What it concerns us here to note, is, that the calamity arose from the acts of the ruling power. When, again, in 1802, after a short peace, the available capital of the community had so far increased that the redemption of promises-to-pay became possible, and the Bank of England was anxious to begin redeeming them, the legislature interposed its veto; and so continued the evils of an inconvertible paper-currency after they would naturally have ceased. Still more disastrous, however, were the results that by-and-by ensued from State-meddling. Cash-payments having been suspended—the Government, instead of enforcing all contracts, having temporarily cancelled a great part of them, by saying to every banker, "You shall not be called on to liquidate in coin the promises-to-pay which

you issue," the natural checks to the multiplication of promises-to-pay, disappeared. What followed? Banks being no longer required to cash their notes in coin, and easily obtaining from the Bank of England supplies of its notes in exchange for fixed securities, were ready to make advances to almost any extent. Not being obliged to raise their rate of discount in consequence of the diminution of their available capital, and reaping a profit by every loan (of notes) made on fixed capital, there arose both an abnormal facility of borrowing, and an abnormal desire to lend. Thus were fostered the wild speculations of 1809—speculations that were not only thus fostered, but were in great measure *caused* by the previous over-issue of notes; which, by further exaggerating the natural rise of prices, increased the apparent profitableness of investments.

And all this, be it remembered, took place at a time when there should have been rigid economy—at a time of impoverishment consequent on continued war—at a time when, but for law-produced illusions, there would have been commercial straitness and a corresponding carefulness. Just when its indebtedness was unusually great, the community was induced still further to increase its indebtedness. Clearly, then, the progressive accumulation and depreciation of promises-to-pay, and the commercial disasters which finally resulted from it in 1814-'15-'16, when ninety provincial banks were broken and more dissolved, were State-produced evils: partly due to a war which, whether necessary or not, was carried on by the Government, and greatly exacerbated by the currency regulations which that Government had made.

Before passing to more recent facts, let us parenthetically notice the similarly-caused degradation of the currency which had previously arisen in Ireland. When examined by a parliamentary committee in 1804, Mr. Colville, one of the directors of the Bank of Ireland, stated

that before the passing of the Irish Bank-Restriction-Bill—the bill by which cash-payments were suspended—the directors habitually met any unusual demand for gold, by diminishing their issues. That is to say, in the ordinary course of business, they raised their rate of discount whenever the demand enabled them, and so, both increased their profits and warded off the danger of bankruptcy. During this unregulated period, their note-circulation was between £600,000 and £700,000. But as soon as they were guaranteed by law against the danger of bankruptcy, their circulation began rapidly to increase, and very soon reached £3,000,000. The results, as proved before the committee, were these: The exchange with England became greatly depressed; nearly all the good specie was exported to England; it was replaced in Dublin (where small notes could not be issued) by a base coinage, adulterated to the extent of fifty per cent., and elsewhere it was replaced by notes payable at twenty-one days' date, issued by all sorts of persons, for sums down even as low as sixpence.

And this excessive multiplication of small notes was *necessitated* by the impossibility of otherwise carrying on retail trade, after the disappearance of the silver coinage. For these disastrous effects, then, legislation was responsible. The swarms of "silver-notes" resulted from the exportation of silver; the exportation of silver was due to the great depression of the exchange with England; this great depression arose from the excessive issue of notes by the Bank of Ireland, and this excessive issue followed from their legalized inconvertibility. Yet, though these facts were long ago established by a committee of the House of Commons, the defenders of the "currency-principle" are actually blind enough to cite this multiplication of sixpenny-promises-to-pay, as *proving the evils of an unregulated currency!*



Returning now to the case of the Bank of England, let us pass at once to the Act of 1844. While still a protectionist—while still a believer in the beneficence of law as a controller of commerce—Sir Robert Peel undertook to stop the recurrence of monetary crises, like those of 1825, 1836, and 1839. Overlooking the truth that, when not *caused* by the meddlings of legislators, a monetary crisis is due, either to an absolute impoverishment, or to a relative impoverishment consequent on speculative over-investment; and that for the bad season or the imprudence causing this, there is no remedy; he boldly proclaimed that “*it is better to prevent the paroxysm than to excite it;*” and he brought forward the Bank-Act of 1844, as the means of prevention. How merciless has been Nature’s criticism on this remnant of Protectionism, we all know. The monetary sliding-scale has been as great a failure as its prototype. Within three years arose one of these crises which were to have been prevented. Within another ten years has arisen a second of these crises. And on both occasions this intended safeguard has so intensified the evil, that a temporary repeal of it has been imperative.

We should have thought that, even without facts, every one might have seen that it is impossible, by Act of Parliament, to prevent imprudent people from doing imprudent things; and, if facts were needed, we should have thought that our commercial history up to 1844 supplied a sufficiency. But, a superstitious faith in State-ordinances is regardless of such facts. And we doubt not that even now, though there have been two glaring failures of this professed check on over-speculation—though the evidence conclusively shows that the late commercial catastrophes have had nothing whatever to do with the issue of bank-notes, but, as in the case of the Western Bank of Scotland, occurred along with diminished issues—

and though in Hamburg, where the "currency-principle" has been rigidly carried out to the very letter, there has been a worse crisis than anywhere else; yet there will remain plenty of believers in the efficiency of Sir R. Peel's prophylactic.

But, as already said, the measure has not only failed: it has made worse the panics it was to have warded off. And it was sure to do this. As shown at the outset, the multiplication of promises-to-pay that occurs at a period of impoverishment caused by war, famine, over-investment, or losses abroad, is a salutary process of mitigation—is a mode of postponing actual payments till actual payments are possible—is a preventive of wholesale bankruptcy—is a spontaneous act of self-preservation. We pointed out, not only that this is an *a priori* conclusion, but that many facts in our own mercantile history illustrate at once the naturalness, the benefits, the necessity of it. And if this conclusion needs enforcing by further evidence, we have it in the recent events at Hamburg. In that city, there are no notes in circulation but such as are represented by actual equivalents of bullion or jewels in the bank: no one is allowed, as with us, to obtain bank promises-to-pay in return for securities. Hence it resulted that when the Hamburg merchants, lacking their remittances from abroad, were suddenly deprived of the wherewith to meet their engagements, and were prevented by law from getting bank-promises-to-pay by pawning their estates; bankruptcy swept them away wholesale. And what finally happened? To prevent universal ruin, the Government was obliged to decree that all bills of exchange coming due, should have a month's grace; and that there should be immediately formed a State-Discount-Bank—an office for issuing State-promises-to-pay in return for securities. That is, having first by its restrictive law ruined a host of merchants, the Government was obliged

to legalize that postponement of payments, which, but for its law, would have spontaneously taken place.

With such further confirmation of an *a priori* conclusion, can it be doubted that our late obmmercial difficulties were intensified by the measure of 1844? Is it not, indeed, notorious in the City, that the progressively-increasing demand for accommodation, was in great part due to the conviction that, in consequence of the Bank-Act, there would shortly be no accommodation at all? Does not every London merchant know that his neighbours who had bills coming due, and who saw that by the time they were due the Bank would discount only at still higher rates, or not at all, decided to lay in beforehand the means of meeting those bills? Is it not an established fact, that the hoarding thus induced, not only rendered the pressure on the Bank greater than it would otherwise have been, but, by taking both gold and notes out of circulation, made the Bank's issues temporarily useless to the general public? Did it not happen in this case, as in 1793 and 1825, that when at last restriction was removed, the mere consciousness that loans could be had, itself prevented them from being required? And, indeed, is not the simple fact that the panic quickly subsided when the Act was suspended, sufficient proof that the Act had, in great measure, produced it.

See, then, for what we have to thank legislative meddling. During ordinary times Sir R. Peel's Act, by obliging the Bank of England, and occasionally provincial banks, to keep more gold than they would otherwise have kept (and if it has not done this it has done nothing), has inflicted a tax on the nation to the extent of the interest on such portion of the gold-currency as was in excess of the need: a tax which, in the course of the last thirteen years, has probably amounted to some millions. And then, on the two occasions when there have arisen the

crises that were to have been prevented, the Act, after having intensified the pressure, made bankrupt a great number of respectable firms that would else have stood, and increased the distress not only of the trading but of the working population; has been twice abandoned at the moment when its beneficence was to have been conspicuous. It has been a cost, a mischief, and a failure. Yet such is the prevailing delusion, that, judging from appearances, it will be maintained!

"But," ask our opponents, "shall the Bank be allowed to let gold drain out of the country without check? Shall it have permission to let its reserve of gold diminish so greatly as to risk the convertibility of its notes? Shall it be enabled recklessly to increase its issues, and so produce a depreciated paper-currency?"

Really, in these Free-trade days, it seems strange to have to answer questions like these; and, were it not for the confusion of facts and ideas that legislation has produced, it would be inexcusable to ask them.

In the first place, the common notion that the draining of gold out of the country is intrinsically, and in all cases, an evil, is nothing but a political superstition—a superstition in part descended from the antique fallacy that money is the only wealth, and in part from the maxims of an artificial, law-produced state of things, under which the exportation of gold really *was* a sign of a corrupted currency: we mean, during the suspension of cash-payments. Law having cancelled millions of contracts which it was its duty to enforce—law having absolved bankers from liquidating their promises in coin, having rendered it needless to keep a stock of coin with which to liquidate them, and having thus taken away that natural check which prevents the over-issue and depreciation of notes—law having partly suspended that *home* demand for gold which ordinarily competes with and balances the *foreign* de-

mand, there resulted an abnormal exportation of gold. By-and-by, it was seen that this efflux of gold was a consequence of the over-issue of notes; and that the accompanying high price of gold, as paid for in notes, proved the depreciation of notes. And then it became an established doctrine, that an adverse state of the foreign exchanges, indicating a drain of gold, was significant of an excessive circulation of notes; and that the issue of notes should be regulated by the state of the exchanges.

This unnatural condition of the currency having continued for a quarter of a century, the concomitant doctrine rooted itself in the general mind. And now mark one of the multitudinous evils of legislative meddling. This artificial test, good only for an artificial state, has survived the return to a natural state, and men's ideas about currency have been reduced by it to chronic confusion.

The truth is, that while, during a legalized inconvertibility of bank-notes, an efflux of gold may, and often does, indicate an excessive issue of bank-notes; under ordinary circumstances, an efflux of gold has little or nothing to do with the issue of bank-notes, but is determined by purely mercantile causes. And the truth is, that so far from an efflux of gold thus brought about by mercantile causes, being an evil, it is a good. Leaving out of the question, as of course we must, such exportations of gold as take place for the support of armies abroad, the cause of efflux is either an actual plethora of all commodities, gold included, which results in gold being sent out of the country for the purpose of foreign investment, or else an abundance of gold as compared with other leading commodities. And while, in this last case, the efflux of gold indicates some absolute or relative impoverishment of the nation, it is a means of mitigating the bad consequences of that impoverishment.

Consider the question as one of political economy, and this truth becomes obvious. Thus: The nation habitually requires for use and consumption certain quantities of commodities, of which gold is one. These commodities are severally and collectively liable to fall short, either from deficient harvests, from waste in war, from losses abroad, or from too great a diversion of labour or capital in some special direction. When a scarcity of some chief commodity or necessary occurs, what is the remedy? The commodity of which there is an excess (or if none is in excess, then that which can best be spared) is exported in exchange for an additional supply of the deficient commodity. And, indeed, the whole of our foreign trade, alike in ordinary and extraordinary times, consists in this process. But when it happens either that the commodity which we can best spare is not wanted abroad, or (as recently) that a chief foreign customer is temporarily disabled from buying, or that the commodity which we can best spare is gold, then gold itself is exported in exchange for the thing which we most want. Whatever form the transaction takes, it is nothing but bringing the supplies of various commodities into harmony with the demands for them. The fact that gold is exported, is simply a proof that the need for gold is less than the need for other things. Under such circumstances an efflux of gold will continue, and *ought* to continue, until other things have become relatively so abundant, and gold relatively so scarce, that the demand for gold is equal to other demands. And he who would prevent this process, is about as wise as the miser, who, finding his house without food, chooses to starve rather than draw upon his purse.

The second question—"Shall the Bank have permission to let its reserve of gold diminish so greatly as to risk the convertibility of its notes?" is not more profound than the first. It may fitly be answered by the more general

question—"Shall the merchant, the manufacturer, or the shopkeeper, be allowed so to invest his capital as to risk the fulfilment of his engagements?" If the answer to the first be "No," it must be "No" to the second. If to the second it be "Yes," it must be "Yes" to the first. Any one who proposed that the State should oversee the transactions of every trader, so as to insure his ability to cash all demands as they fell due, might with consistency argue that bankers should be under like control. But while no one has the folly to contend for the one, nearly all contend for the other. One would think that the banker acquired, in virtue of his occupation, some abnormal desire to ruin himself—that while traders in other things are restrained by a wholesome dread of bankruptcy, traders in capital have a longing to appear in the *Gazette*, which law alone can prevent them from gratifying! Surely the moral checks which act on other men will act on bankers. And if these moral checks do not suffice to produce perfect security, we have ample proof that no cunning legislative checks will supply their place. The current notion that bankers can, and will, if allowed, issue notes to any extent, is one of the absurdest illusions—an illusion, however, which would never have arisen but for the vicious over-issues induced by law.

The truth is, that in the first place, a banker *cannot* increase his issue of notes at will: it has been proved by the unanimous testimony of all bankers who have been examined before successive parliamentary committees, that "the amount of their issues is exclusively regulated by the extent of local dealings and expenditure in their respective districts;" and that any notes issued in excess of the demand are "immediately returned to them." And the truth is, in the second place, that a banker *will not*, on the average of cases, issue more notes than in his judgment it is safe to issue; seeing that if his promises to pay

in circulation, are greatly in excess of his available means of paying them, he runs an imminent risk of having to stop payment—a result, of which he has no less a horror than other men. If facts are needed in proof of this, they are furnished by the history of both the Bank of England and the Bank of Ireland; which, before they were debauched by the State, habitually regulated their issues according to their stock of bullion, and would probably always have been still more careful, but for the consciousness that there was the State-credit to fall back upon.

The third question—"Shall the Bank be allowed to issue notes in such numbers as to cause their depreciation?" has, in effect, been answered in answering the first two. There can be no depreciation of notes so long as they are exchangeable for gold on demand. And so long as the State, in discharge of its duty, insists on the fulfilment of contracts, the alternative of bankruptcy must ever be a restraint on such over-issue of notes as endangers that exchangeability. The truth is, that the bugbear of depreciation is one that would have been unknown but for the sins of governments. In the case of America, where there have been occasional depreciations, the sin has been a sin of omission: the State has not enforced the fulfilment of contracts—has not forthwith bankrupted those who failed to cash their notes; and, if accounts are true, has allowed those to be mobbed who brought back far-wandering notes for payment.\* In all other cases, the sin has been a sin of commission. The depreciated paper-currency in France, during the revolution, was a State-currency. The depreciated paper-currencies of Austria and Russia, have been State-currencies. And the only depreciated paper-currency we have known, has been to all intents and purposes a State-currency. It was the

\* This was written in 1858; when "greenbacks" were unknown.



State which, in 1795-'6, *forced* upon the Bank of England that excessive issue of notes which led to the suspension of cash-payments. It was the State which, in 1802, *forbad* the resumption of cash-payments, when the Bank of England wished to resume them. It was the State which, during a quarter of a century, *maintained* that suspension of cash-payments from which the excessive multiplication and depreciation of notes resulted. The entire corruption was entailed by State-expenditure, and established by State-warrant. Yet now, the State affects a virtuous horror of the crime committed at its instigation! Having contrived to shuffle-off the odium on to the shoulders of its tools, the State gravely lectures the banking-community upon its guilt; and with sternest face passes measures to prevent it from sinning!

We contend, then, that neither to restrain the efflux of gold, nor to guard against the over-issue of bank-notes, is legislative interference warranted. If Government will promptly execute the law against all defaulters, the self-interest of bankers and traders will do the rest: such evils as would still result from mercantile dishonesties and imprudences, being evils which legal regulation may augment but cannot prevent. Let the Bank of England, in common with every other bank, simply consult its own safety and its own profits, and there will result just as much check as should be put, on the efflux of gold or the circulation of paper; and the only check that can be put on the doings of speculators. Whatever leads to unusual draughts on the resources of banks, immediately causes a rise in the rate of discount—a rise dictated both by the wish to make increased profits, and the wish to avoid a dangerous decrease of resources. This raised rate of discount prevents the demand from being so great as it would else have been—alike checks undue expansion of the note-circulation; stops speculators from making further engage-

ments, and, if gold is being exported, diminishes the profit of exportation. Successive rises successively increase these effects, until eventually none will give the rate of discount demanded, save those in peril of stopping payment; the increase of the credit-currency ceases, and the efflux of gold, if it is going on, is arrested by the home-demand outbalancing the foreign demand. And if in times of great pressure, and under the temptation of high discounts, banks allow their circulation to expand to a somewhat dangerous extent, the course is justified by the necessities. As shown at the outset, the process is one by which banks, on the deposit of good securities, loan their credit to traders who but for loans would be bankrupt. And that banks should run some risks to save hosts of solvent men from inevitable ruin, few will deny. Moreover, during a crisis which thus runs its natural course, there will really occur that purification of the mercantile world, which many think can be effected only by some Act-of-Parliament ordeal. Under the circumstances described, men who have adequate securities to offer, will get bank-accommodation; but those who, having traded without capital or beyond their means, have not, will be denied it, and will fail. Under a free system, the good will be sifted from the bad; whereas the existing restrictions on bank-accommodations, tend to destroy good and bad together.

Thus it is not true that there need be special regulations to prevent the inconvertibility and depreciation of notes. It is not true that but for legislative supervision, bankers would let gold drain out of the country to an undue extent. It is not true that these "currency theorists" have discovered a place at which the body-politic would bleed to death, but for a State-styptic.

What else we have to say on the general question, may

best be joined with some commentaries on provincial and joint-stock banking, to which let us now turn.

Government, to preserve the Bank-of-England-monopoly, having enacted that no partnership exceeding six persons should become bankers, and the Bank of England having refused to establish branches in the provinces, it happened, during the latter half of the last century, when the industrial progress was rapid and banks much needed, that numerous private traders, shopkeepers, and others, began to issue notes payable on demand. And when, of the four hundred small banks which had thus grown up in less than fifty years, a great number gave way under the first pressure—when on several subsequent occasions like results occurred—when in Ireland, where the Bank-of-Ireland-monopoly had been similarly guaranteed, it happened that out of fifty private provincial banks, forty became bankrupt—and when, finally, it grew notorious that in Scotland, where there had been no law limiting the number of partners, a whole century had passed with scarcely a single bank-failure, legislators at length decided to abolish the restriction which had entailed such mischiefs. Having, to use Mr. Mill's words, "actually made the formation of safe banking-establishments a punishable offence"—having, for one hundred and twenty years, maintained a law which first caused great inconvenience and then extensive ruin, time after time repeated; Government in 1826 conceded the liberty of joint-stock banking: a liberty which the good easy public, not distinguishing between a right done and a wrong undone, regarded as a great boon.

But the liberty was not without conditions. Having previously, in anxiety for its *protégé*, the Bank of England, been reckless of the banking-security of the community at large, the State, like a repentant sinner rushing into asceticism, all at once became extremely solicitous on

this point, and determined to put guarantees of its own devising, in place of the natural guarantee of mercantile judgment. To intending bank-shareholders it said—"You shall not unite on such publicly-understood conditions as you think fit, and get such confidence as will naturally come to you on those conditions." And to the public it said—"You should not put trust in this or that association in proportion as, from the character of its members and constitution, you judge it to be worthy of trust." But to both it said—"You shall the one give, and the other receive, my infallible safeguards."

And now what have been the results? Every one knows that these safeguards have proved any thing but infallible. Every one knows that these banks with State-constitutions have been especially characterized by instability. Every one knows that credulous citizens, with a faith in legislation which endless disappointments fail to diminish, have trusted implicitly in these law-devised securities, and, not exercising their own judgments, have been led into ruinous undertakings. The evils of substituting artificial guarantees for natural ones, which the clear-sighted long ago discerned, have, by the late catastrophes, been made conspicuous to all.

When commencing this article, we had intended to dwell on this point. For though the mode of business which brought about these joint-stock-bank-failures, was, for weeks after their occurrence, time after time clearly described, yet nowhere did we see drawn the obvious corollary. Though in three separate City-articles of *The Times*, it was explained that, "relying upon the ultimate liability of large bodies of infatuated shareholders, the discount houses supply these banks with unlimited means, looking not to the character of the bills sent up, but simply to the security afforded by the Bank endorsement;" yet in none of them was it pointed out that, but for the

law of unlimited liability, this reckless trading would not have gone on. More recently, however, this truth has been duly recognized, alike in Parliament and in the Press, and it is therefore needless further to elucidate it. We will simply add, that as, if there had been no law of unlimited liability, the London houses would not have dis-counted these bad bills; and as, in that case, these provincial joint-stock-banks could not have given these enormous credits to insolvent speculators; and as, if they had not done this, they would not have been ruined; it follows, inevitably, that these joint-stock-bank-failures have been *law-produced disasters*.

A measure for further increasing the safety of the provincial public, was that which limited the circulation of provincial bank-notes. At the same time that it established a sliding-scale for the issues of the Bank of England, the Act of 1844 fixed the maximum circulation of every provincial bank-of-issue, and forbid any further banks-of-issue. We have not space to discuss at length the effects of this restriction: which must have fallen rather hardly on those especially-careful bankers who had, during the twelve weeks preceding the 27th April, 1844, narrowed their issues to meet any incidental contingencies; while it gave a perennial license to such as had been incautious during that period. All which we can notice is, that this rigorous limitation of provincial issues to a low maximum (and a low maximum was purposely fixed) effectually prevents those local expansions of bank-note circulation, which, as we have shown, *ought* to take place in periods of commercial difficulty. And further, that by transferring all local demands to the Bank of England, as the only place from which extra accommodation can be had, the tendency is to concentrate a pressure which would else be diffused; and so to create panic.

Saying nothing more, however, respecting the impolicy

of the measure, let us mark its futility. As a means of preserving the convertibility of the provincial bank-note, it is useless unless it acts as some safeguard against bank-failures, and that it does not do this is demonstrable. While it diminishes the likelihood of failures caused by over-issue of notes, it increases the likelihood of failures from other causes. For what will be done by a provincial banker whose issues are restricted by the Act of 1844, to a level lower than that to which he would otherwise have let them rise? If he would, but for the law, have issued more notes than he now does—if his reserve is greater than, in his judgment, is needful for the security of his notes, is it not clear that he will simply extend his operations in other directions? Will not the excess of his available capital be to him a warrant either for entering into larger speculations himself, or for allowing his customers to draw on him beyond the limit he would else have fixed? If, in the absence of restriction, his rashness would have led him to risk bankruptcy by over-issue, will it not now equally lead him to risk bankruptcy by over-banking? And is not the one kind of bankruptcy as fatal to the convertibility of notes as the other?

Nay, the case is even worse. There is reason to believe that bankers are tempted into greater dangers under this protective system. They can and will hypothecate their capital in ways less direct than by notes, and may very likely be led, by the unobtrusiveness of the process, to commit themselves more than they would else do. A trader, applying to his banker in times of commercial difficulty, will often be met by the reply,—"I cannot make you any direct advances, having already loaned as much as I can spare, but knowing you to be a safe man, I will lend you my name. Here is my acceptance for the sum you require: they will discount it for you in London." Now, as loans thus made do not entail the same imme-

diate responsibilities as when made in notes (seeing that they are neither at once payable, nor do they add to the dangers of a possible run), a banker is under a temptation to extend his liabilities in this way much further than he would have done had not law forced him to discover a new channel through which to give credit.

And does not the evidence that has lately transpired go to show that these roundabout ways of giving credit *do* take the place of the interdicted ways; and that they *are* more dangerous than the interdicted ways? Is it not notorious that dangerous forms of paper-currency have had an unexampled development since the Act of 1844? Do not the newspapers and the debates give daily proofs of this? And is not the process of causation obvious?

Indeed, it might have been known, *a priori*, that such a result was sure to take place. It has been shown conclusively that, when uninterfered with, the amount of note-circulation at any given time is determined by the amount of trade going on—the quantity of payments that are being made. It has been repeatedly testified before committee, that when any local banker contracts his issues, he simply causes an equivalent increase in the issues of neighbouring bankers. And in past times it has been more than once complained, that when from prudential motives the Bank of England withdrew part of its notes, the provincial bankers immediately multiplied their notes to a proportionate extent. Well, is it not manifest that this inverse variation, which holds between one class of bank-notes and another, also holds between bank-notes and other forms of paper-currency? Will it not happen that just as diminishing the note-circulation of one bank, merely adds to the note-circulation of other banks; so, an artificial restriction on the circulation of bank-notes in general, will simply cause an increased circulation of some substituted kind of promise-to-pay? And is not this sub-

stituted kind, in virtue of its novelty and irregularity, likely to be a more unsafe kind? See, then, the predicament. \*Over all the bills of exchange, cheques, etc., which constitute nine-tenths of the paper-currency of the kingdom, the State exercises, and can exercise, no control. And the limit it puts on the remaining tenth, vitiates the other nine-tenths, by causing an abnormal growth of new forms of credit, which experience proves to be especially dangerous.

Thus, all which the State does when it exceeds its true duty, is to hinder, to disturb, to corrupt. As already pointed out, the quantity of credit men will give each other, is determined by natural causes, moral and physical—their average characters, their temporary states of feeling, their circumstances. If the Government forbids one mode of giving credit, they will find another, and probably a worse. Be the degree of mutual trust prudent or imprudent, it must take its course. The attempt to restrict it by law is nothing but a repetition of the old story of keeping out the sea with a fork.

And now mark, that were it not for these worse than futile State-safeguards, there might grow up certain natural safeguards, which would really put a check on undue credit and abnormal speculation. Were it not for the attempts to insure security by law, it is very possible that, under our high-pressure system of business, banks would compete with each other in respect of the degree of security they offered—would endeavour to outdo each other in the obtainment of a legitimate public confidence. Consider the position of a new joint-stock-bank with limited liability, and unchecked by legal regulations. It can do nothing until it has gained the general good opinion. In the way of this there stand great difficulties. Its constitution is untried, and is sure to be looked upon by the trading world with considerable distrust. The field is al-



ready occupied by old banks with established connections. Out of a constituency satisfied with the present accommodation, it has to obtain supporters for a system\* that is apparently less safe than the old. How shall it do this? Evidently it must find some unusual mode of assuring the community of its trustworthiness. And out of a number of new banks so circumstanced, it is not too much to suppose that ultimately one would hit on some mode. It might be, for instance, that such a bank would give, to all who held deposits over £1,000 the liberty of inspecting its books—of ascertaining from time to time its liabilities and its investments. Already this plan is frequently adopted by private traders, as a means of assuring those who lend money to them; and this extension of it might naturally take place under the pressure of competition. We have put the question to a gentleman who has had long and successful experience as a manager of a joint-stock-bank, and his reply is, that some such course would very probably be adopted: adding that, under this arrangement, a depositor would practically become a partner with limited liability.

Were a system of this kind to establish itself, it would form a double check to unhealthy trading. Consciousness that its rashness would become known to its chief clients, would prevent the bank-management from being rash; and consciousness that his credit would be damaged when his large debt to the bank was whispered, would prevent the speculator from contracting so large a debt. Both lender and borrower would be restrained from reckless enterprise. Very little inspection would suffice to effect this end. One or two cautious depositors would be enough; seeing that the mere expectation of immediate disclosure, in case of misconduct, would mostly keep in order all those concerned.

Should it however be contended, as by some it may,

that this safeguard would be of no avail—should it be alleged that, having in their own hands the means of safety, citizens would not use them, but would still put blind faith in directors, and give unlimited trust to respectable names; then we reply that they would deserve whatever bad consequences fell on them. If they did not take advantage of the proffered guarantee, the penalty be on their own heads. We have no patience with the mawkish philanthropy which would ward off the punishment of stupidity. The ultimate result of shielding men from the effects of folly, is to fill the world with fools.

A few words in conclusion respecting the attitude of our opponents. Leaving joint-stock-bank legislation, on which the eyes of the public are happily becoming opened, and returning to the Bank-Charter, with its theory of currency-regulation, we have to charge its supporters with gross, if not wilful, misrepresentation. Their established policy is to speak of all antagonism as identified with adhesion to the vulgarest fallacies. They daily present, as the only alternatives, their own dogma or some wild doctrine too absurd to be argued. "Side with us or choose anarchy," is the substance of their homilies.

To speak specifically:—They boldly assert, in the first place, that they are the upholders of "principle;" and on all opposition they seek to fasten the title of "empiricism." Now, we are at a loss to see what there is "empirical" in the position, that a bank-note-circulation will regulate itself in the same way that the circulation of other paper-currency does. It seems to us any thing but "empirical," to say that the natural check of prospective bankruptcy, which restrains the trader from issuing too many promises-to-pay at given dates, will similarly restrain the banker from issuing too many promises-to-pay on demand. We take him to be the opposite of an "empiric," who holds

that people's characters and circumstances determine the quantity of credit-memoranda in circulation; and that the monetary disorders which their imperfect characters and changing circumstances occasionally entail, can be exacerbated, but cannot be prevented by State-nostrums.

On the other hand, we do not see in virtue of what "principle" it is, that the contract expressed on the face of a bank-note must be dealt with differently from any other contract. We cannot understand the "principle" which requires the State to control the business of bankers, so that they may not make engagements they cannot fulfil, but which does *not* require the State to do the 'like with other traders. To us it is a very incomprehensible "principle" which permits the Bank of England to issue £14,000,000 on the credit of the State, but which is broken if the State-credit is mortgaged beyond this—a "principle" which implies that £14,000,000 of notes may be issued without gold to meet them, but insists on rigorous precautions for the convertibility of every pound more. We are curious to learn how it was inferred from this "principle" that the average note-circulation of each provincial bank, during certain twelve weeks in 1844, was exactly the note-circulation which its capital justified. So far from discerning a "principle," it seems to us that both the idea and its applications are as empirical as they can well be.

Still more astounding, however, is the assumption of these "currency-theorists," that their doctrines are those of Free-trade. In the Legislature, Lord Overstone, and in the press, the *Saturday Review*, have, among others, asserted this. To call that a Free-trade measure, which has the avowed object of restricting certain voluntary acts of exchange, appears so manifest a contradiction in terms, that it is scarcely credible it should be made. The whole system of currency-legislation is restrictionist from

beginning to end : equally in spirit and detail. Is that a Free-trade regulation which has all along forbidden banks of issue within sixty-five miles of London ? Is that Free-trade which enacts that none but such as have now the State-warrant, shall henceforth give promises-to-pay on demand ? Is that Free-trade which at a certain point steps in between the banker and his customer, and puts a veto on any further exchange of credit-documents ? We wonder what would be said by two merchants, the one about to draw a bill on the other in return for goods sold, who should be stopped by a State-officer with the remark, that, having examined the buyer's ledger, he was of opinion that ready as the seller might be to take the bill, it would be unsafe for him to do so ; and that the law, in pursuance of the principles of Free-trade, negatived the transaction ! Yet for the promise-to-pay in six months, it needs but to substitute a promise-to-pay on demand, and the case becomes substantially that of banker and customer.

It is true that the "currency-theorists" have a colourable excuse in the fact, that among their opponents are the advocates of various visionary schemes, and propounders of regulations quite as protectionist in spirit as their own. It is true that there are some who contend for inconvertible "labour-notes;" and others who argue that in times of commercial pressure, banks should not raise their rates of discount. But is this any justification for recklessly stigmatizing all antagonism as coming from these classes, in the face of the fact that the Bank-Act has been protested against by the highest authorities in political economy ? Do not the defenders of the "currency-principle" know, that among their opponents are Mr. Thornton, long known as an able writer on currency-questions ; Mr. Tooke and Mr. Newmarch, famed for their laborious and exhaustive researches respecting currency and

prices ; Mr. Fullarton, whose " Regulation of Currencies " is a standard work ; Mr. Macleod, whose just-issued book displays the endless injustices and stupidities of our monetary history ; Mr. James Wilson, M. P., who, in detailed knowledge of commerce, currency, and banking, is probably unrivalled ; and Mr. John Stuart Mill, who both as logician and economist, stands in the first rank ? Do they not know that the alleged distinction between bank-notes and other credit-documents, which forms the professed basis of the Bank-Act (and for which Sir R. Peel could quote only the one poor authority of Lord Liverpool) is denied, not only by the gentlemen above named, but also by Mr. Huskisson, Professor Storch, Dr. Travers Twiss, and the distinguished French Professors, M. Joseph Garnier, and M. Michel Chevalier ? \* Do they not know, in short, that both the profoundest thinkers and the most patient inquirers are against them ? If they do not know this, it is time they studied the subject on which they write with such an air of authority. If they do know it, a little more respect for their opponents would not be unbecoming.

\* See Mr. Tooke's " Bank Charter Act of 1844," etc.

## X.

### PARLIAMENTARY REFORM: THE DANGERS, AND THE SAFEGUARDS.

**T**HIRTY years ago, the dread of impending evils agitated not a few breasts throughout England. Instinctive fear of change, justified as it seemed by outbursts of popular violence, conjured up visions of the anarchy which would follow the passing of a Reform Bill. In scattered farmhouses there was chronic terror, lest those newly endowed with political power should in some way ~~snatch~~ all the profits obtained by rearing cattle and growing corn. The occupants of halls and manors spoke of ten-pound householders almost as though they formed an army of spoilers, threatening to overrun and devastate the property of landholders. Among townspeople there were some who interpreted the abolition of old corruptions into the establishment of mob-government, which they held to be equivalent with spoliation. And even in Parliament, such alarms found occasional utterance: as, for instance, through the mouth of Sir Robert Inglis, who hinted that the national debt would not improbably be repudiated if the proposed measure became law.

There may perhaps be a few who regard the now pending change in the representation with similar dread—

who think that artisans and others of their grade are prepared, when the power is given to them, to lay hands on property. We presume, however, that such irrational alarmists form but a small percentage of the nation. Not only throughout the Liberal party, but among the Conservatives, there exists a much fairer estimate of the popular character than is implied by anticipations of so gloomy a kind. Many of the upper and middle classes are conscious of the fact, that if critically compared, the average conduct of the wealthy would not be found to differ very widely in rectitude from that of the poor. Making due allowance for differences in the kinds and degrees of temptation to which they are exposed, the respective grades of society are tolerably uniform in their morals. That disregard of the rights of property which, among the people at large, shows itself in the direct form of petty thefts, shows itself among their richer neighbours in various indirect forms, which are scarcely less flagitious and often much more detrimental to fellow citizens. Traders, wholesale and retail, commit countless dishonesties, ranging from adulteration and short measure, up to fraudulent bankruptcy—dishonesties of which we sketched out some of the ramifications in a late article on "The Morals of Trade." The trickeries of the turf; the bribery of electors; the non-payment of tradesmen's bills; the jobbing in railway-shares; the obtaining of exorbitant prices for land from railway-companies; the corruption that attends the getting of private bills through Parliament—these and other such illustrations, show that the unconscientiousness of the upper class, manifested though it is in different forms, is not less than that of the lower class: bears as great a ratio to the size of the class, and, if traced to its ultimate results, produces evils as great, if not greater.

And if the facts prove that in uprightness of inten

tion, there is little to choose between one class of the community and another, an extension of the franchise cannot rationally be opposed on the ground that property would be directly endangered. There is no more reason to suppose that the mass of artisans and labourers would use political power with conscious injustice to their richer neighbours, than there is reason to suppose that their richer neighbours now consciously commit legal injustices against artisans and labourers.

What, then, is the danger to be apprehended? If land, and houses, and railways, and funds, and property of all other kinds, would be held with no less security than now, why need there be any fears that the franchise would be misused? What are the misuses of it which are rationally to be anticipated?

The ways in which those to be endowed with political power are likely to abuse it, may be inferred from the ways in which political power has been abused by those who have possessed it.

What general trait has characterized the rule of the classes hitherto dominant? These classes have not habitually sought their own *direct* advantage at the expense of other classes; but their measures have nevertheless frequently been such as were *indirectly* advantageous to themselves. Voluntary self-sacrifice has been the exception. The rule has been, so to legislate as to preserve private interests from injury, whether public interests were injured or not. Though, in equity, a landlord has no greater claim on a defaulting tenant than any other creditor, yet landlords, having formed the majority of the legislature, the law has given them power to recover rent in anticipation of other creditors. Though the duties payable to government on the transfer of property to heirs and legatees, might justly have been made to fall more hea-



vily on the wealthy than on the comparatively poor, and on real property rather than on personal property, yet the reverse arrangement was enacted and long maintained, and is even still partially in force. Rights of presentation to places in the Church, obtained however completely in violation of the spirit of the law, are yet tenaciously defended, with little or no regard to the welfare of those for whom the Church ostensibly exists. Were it not accounted for by the bias of personal interests, it would be impossible to explain the fact, that on the question of protection to agriculture, the landed classes and their dependents were ranged against the other classes: the same evidence being open to both. And if there needs a still stronger illustration, we have it in the opposition made to the repeal of the Corn-Laws by the established clergy. Though by their office, preachers of justice and mercy—though constantly occupied in condemning selfishness and holding up a supreme example of self-sacrifice; yet so swayed were they by those temporal interests which they thought endangered, that they offered to this proposed change an almost uniform resistance. Out of some ten thousand *ex officio* friends of the poor and needy, there was but one (the Rev. Thomas Spencer) who took an active part in abolishing this tax imposed on the people's bread for the maintenance of landlords' rents.

\*Such are a few of the ways in which, in modern times, those who have the power seek their own benefit at the expense of the rest. It is in analogous ways that we must expect any section of the community which may be made predominant by a political change, to sacrifice the welfare of other sections to its own. While we do not see reason to think that the lower classes are intrinsically less conscientious than the upper classes, we do not see reason to think that they are more conscientious. Holding, as we do, that in each society, and in each age, the morality is,

on the average, the same throughout all ranks; it seems to us clear that if the rich, when they have the opportunity, make laws which unduly favour themselves, it must be concluded that the poor, if their power was in excess, would do the like in similar ways and to a similar extent. Without believing that they would knowingly enact injustice, we believe that they would be unconsciously biased by personal considerations, and that our legislation would err as much in a new direction as it has hitherto done in the old.

This abstract conclusion we shall find confirmed on contemplating the feelings and opinions current among artisans and labourers. What the working classes now wish done, indicates what they would be likely to do, if a reform in the representation made them preponderate. Judging from their prevailing sentiments, they would doubtless do, or aid in doing, many things which it is desirable to have done. Such a question as that of Church-rates would have been settled long ago had the franchise been wider. Any great increase of popular influence, would go far to rectify the present inequitable relation of the established religious sect to the rest of the community. And various other remnants of class-legislation would soon be swept away. But besides ideas likely to eventuate in changes which we should regard as beneficial, the working classes entertain ideas that could not be realized without gross injustice to other classes and ultimate injury to themselves. There is among them a prevailing enmity towards capitalists. The fallacy that machinery acts to their damage, is still widely spread, both among rural labourers and the inhabitants of towns. And they show a wish, not only to dictate how long per day men shall work, but to regulate all the relations between employers and employed. Let us briefly consider the evidence of this.

When, adding another to the countless errors which it has taught the people, the Legislature, by passing the Ten-Hours-Bill, asserted that it was the duty of the State to limit the duration of labour, there naturally arose among the working classes, the desire for further ameliorations to be secured in the same way. First came the formidable strike of the Amalgamated Engineers. The rules of this body aim to restrict the supply of labour in various ways. No member is allowed to work more than a fixed number of hours per week; nor for less than a fixed rate of wages. No man is admitted into the trade who has not "earned a right by probationary servitude." There is a strict registration, which is secured by fines on any one who neglects to notify his marriage, removal, or change of service. The council decides, without appeal, on all the affairs, individual and general, of the body. How tyrannical are the regulations may be judged from the fact, that members are punished for divulging any thing concerning the society's business; for censuring one another; for vindicating the conduct of those fined, etc. And their own unity of action being secured by these coercive measures, the Amalgamated Engineers made a prolonged effort to impose on their employers, sundry restrictions which they supposed would be beneficial to themselves. More recently, we have seen similar objects worked for by similar means during the strike of the Operative Builders. In one of their early manifestoes, this body of men contended that they had "an equal right to share with other workers, that large amount of public sympathy which is now being so widely extended in the direction of shortening the hours of labour:" thus showing at once their delusion and its source. Believing, as they had been taught by an Act of Parliament to believe, that the relation between the quantity of labour given and the wages received, is not a natural but an artificial

one; they demanded that while the wages remained the same, the hours should be reduced from ten to nine. They recommended their employers so to make their future contracts, as to allow for this diminished day's work: saying they were "so sanguine as to consider the consummation of their desire inevitable:" a polite way of hinting that their employers must succumb to the irresistible power of their organization. Referring to the threat of the master-builders to close their works, they warned them against "the responsibility of causing the public disaster" thus indicated. And when the breach finally took place, the Unionists set in action the approved appliances for bringing masters to terms, and would have succeeded had it not been that their antagonists, believing that concessions would be ruinous, made a united resistance. During several previous years, master-builders had been yielding to various extravagant demands, of which those recently made were a further development. Had they assented to the diminished day's work, and abolished systematic overtime, as they were required to do, there is no reason to suppose the dictation would have ended here. Success would have presently led to still more exacting requirements, and future years would have witnessed further extensions of this mischievous meddling between capital and labour.

Perhaps the completest illustration of the industrial regulations that find favour with artisans, is supplied by the Printers' Union. With the exception of those engaged in *The Times* office, and in one other large establishment, the proprietors of which successfully resisted the combination, the compositors, pressmen, etc., throughout the kingdom, form a society which controls all the relations between employers and employed. There is a fixed price for setting up the type—so much per thousand letters: no master can give less no compositor being allowed by the

Union to work for less. There are established rates for press-work, and established numbers less than which you cannot have printed, without paying for work that is not done. The scale rises by what are called "tokens" of 250; and if but 50 copies are required, the charge is the same as for printing 250; or if 300 are wanted, payment must be made for 500. Besides regulating prices and modes of charging to their own advantage, in these and other ways, the members of the Union restrict competition by limiting the number of apprentices brought into the business. So well organized is this combination that the masters are obliged to succumb. An infraction of the rules in any printing-office, leads to a strike of the men; and this being supported by the Union at large, the employer has to yield.

That in other trades, artisans would, if they could, establish restrictive systems equally complete with this, we take to be sufficiently proved by their often repeated attempts. The Tin-plate-Workers' strike, the Coventry-Weavers' strike, the Engineers' strike, the Shoemakers' strike, the Builders' strike, all show a most decided leaning towards a despotic regulation of trade-prices, hours, and arrangements—towards an abolition of free trade between employers and employed. Should the men engaged in our various industries succeed in their aims, each industry would be so shackled as seriously to raise the cost of production. The chief penalty would thus fall on the working classes themselves. Each producer, while protected in the exercise of his own occupation, would on every commodity he brought have to pay an extra price, consequent on the protection of other producers. In short, there would be established, under a new form, the old mischievous system of mutual taxation. And a final result would be such a diminished ability to compete with other nations as to destroy our foreign trade.

Against results like these it behoves us carefully to guard. It becomes a grave question how far we may safely give political power to those who entertain views so erroneous respecting fundamental social relations, and who so pertinaciously struggle to enforce these erroneous views. Men who render up their private liberties to the despotic rulers of trades-unions, seem scarcely independent enough rightly to exercise political liberties. Those who so ill understand the nature of freedom, as to think that any man or body of men has a right to prevent employer and employed from making any contract they please, would almost appear to be incapacitated for the guardianship of their own freedom and that of their fellow-citizens. When their notions of rectitude are so confused, that they think it a duty to obey the arbitrary commands of their union-authorities, and to abandon the right of individually disposing of their labour on their own terms—when, in conformity with this inverted sense of duty, they even risk the starvation of their families—when they call that an “odious document” which simply demands that master and man shall be free to make their own bargains—when their sense of justice is so obtuse that they are ready to bully, to deprive of work, to starve, and even to kill, members of their own class who rebel against dictation, and assert their rights to sell their labour at such rates and to such persons as they think fit—when in short they prove themselves ready to become alike slaves and tyrants, we may well pause before giving them the franchise.

The objects which artisans have long sought to achieve by their private organizations, they would, had they adequate political power, seek to achieve by public enactments. If, on points like those instanced, their convictions are so strong and their determination so great, that they will time after time submit to extreme privations in the

effort to carry them, it is a reasonable expectation that these convictions, pushed with this determination, would soon be expressed in law, if those who held them had a dominant power. With working men, questions concerning the regulation of labour are of the highest interest. Candidates for Parliament would be more likely to obtain their suffrages by pandering to their prejudices on such questions, than in any other way. Should it be said that no evil need be feared unless the artisan-class numerically preponderated in the constituencies, it may be rejoined that not unfrequently, where two chief political parties are nearly balanced, some other party, though much smaller, determines the election. When we bear in mind that the trades-unions throughout the kingdom number 600,000 members, and command a fund of £300,000—when we remember that these trades-unions are in the habit of aiding each other, and have even been incorporated into one national association—when we also remember that their organization is very complete, and their power over their members mercilessly exercised, it seems likely that at a general election their combined action would decide the result in many towns: even though the artisans in each case formed but a moderate portion of the constituency. How influential small but combined bodies are, the Irish Members of our House of Commons prove to us, and still more clearly the Irish emigrants in America. Certainly these trade-combinations are not less perfectly organized; nor are the motives of their members less strong. Judge then how efficient their political action would be.

It is true that in county-constituencies and rural towns, the artisan class have no power; and that in the antagonism of agriculturists there would be a restraint on their projects. But, on the other hand, the artisans would, on these questions, have the sympathy of many not belong-

ing to their own body. Numerous small shopkeepers, and others who are in point of means about on their level, would go with them in their efforts to regulate the relations of capital and labour. Among the middle classes, too, there are not a few kindly-disposed men who are so ignorant of political economy as to think the artisans justified in their aims. Even among the landed class they might find supporters. We have but to recollect the antipathy shown by landowners in Parliament to the manufacturing interest, during the ten-hours' agitation, to see that it is quite possible for country squires to join the working men in imposing restrictions unfavourable to employers. True, the angry feeling which then prompted them has in some measure died away. It is to be hoped, too, that they have gained wisdom. But still, remembering the past, we must take this contingency into account.

Here, then, is one of the dangers to which an extension of the franchise opens the door. While the fear that the rights of property may be directly interfered with, is absurd, it is a very rational fear that the rights of property may be indirectly interfered with—that by cramping laws, the capitalist may be prevented from using his money as he finds best, and the workman from selling his labour to the greatest advantage. We are not prepared to say what widening of the representation would bring about such results. We profess neither to estimate what amount of artisan-power a £6 or a £5 borough-franchise would give; nor to determine whether the opposing powers would suffice to keep it in check. Our purpose here is simply to indicate this establishment of injurious industrial regulations, as one of the dangers to be kept in view.

Turn we now to another danger, distinct from the foregoing, though near akin to it. Next after the evils of that



over-legislation which restricts the exchange of capital and labour, come the evils of that over legislation which provides for the community, by State-agency, benefits which capital and labour should be left spontaneously to provide. And it naturally though unfortunately happens, that those who lean to the one kind of over-legislation, lean also to the other kind. Men leading laborious lives, relieved by little in the shape of enjoyment, give willing ears to the doctrine that the State should provide them with various positive advantages and gratifications. The much-enduring poor cannot be expected to deal very critically with those who promise them gratis pleasures. As a drowning man catches at a straw, so will one whose existence is burdensome catch at any thing, no matter how unsubstantial, which holds out the slightest hope of a little happiness. We must not, therefore, blame the working-classes for being ready converts to socialistic schemes, or to a belief in "the sovereign power of political machinery."

Not that the working-classes alone fall into these delusions. Unfortunately they are countenanced, and have been in part misled, by those above them. In Parliament and out of Parliament, well-meaning men among the upper and middle ranks, have been active apostles of these false doctrines. There has ever been, and still continues to be, very much law-making based on the assumption, that it is the duty of the State, not simply to insure each citizen fair play in the battle of life, but to help him in fighting the battle of life; having previously taken money from his or some one else's pocket to pay the cost of doing this. And we cannot glance over the papers without seeing how active are the agitations carried on out of doors in furtherance of this policy, and how they threaten to become daily more active. The doings of the Chadwick-school furnish one set of illustrations. From

those of the Shaftesbury-school other illustrations may be gathered. And in the transactions of the body, absurdly self-entitled "The National Association for the Promotion of Social Science," we find still more numerous developments of this mischievous error.

When we say that the working-classes, and more especially the artisan-classes, have strong leanings towards these Utopianisms, which they have unhappily been encouraged to entertain by many who should have known better, we do not speak at random. We are not drawing an *a priori* inference as to the doctrines likely to find favour with men in their position. Nor are we guided merely by evidence to be gathered from newspapers. But we have a basis of definite fact in the proceedings of reformed municipal governments. These bodies have from year to year extended their functions; and so heavy has in some cases become the consequent local taxation, as to have caused a reaction against the political party that was responsible. Town-councils almost exclusively Whig have of late been made comparatively Conservative, by the efforts of those richer classes who suffer most from municipal extravagance. With whom, then, has this extravagance been popular? With the poorer members of the constituencies. Candidates for town-councillorship have found no better means of insuring the suffrages of the mass, than the advocacy of this or the other local undertaking. To build baths and wash-houses at the expense of the town, has proved a popular proposal. The support of public gardens, out of funds raised by local rates, has been applauded by the majority. So, too, with the establishment of free libraries, which has, of course, met with encouragement from workingmen, and from those who wish to find favour with them. Should some one, taking a hint from the cheap concerts now common in our manufacturing towns, propose to supply music at

the public cost, we doubt not he would be hailed as a friend of the people. And similarly with countless socialistic schemes, of which, when once commenced, there is no end.

Such being the demonstrated tendencies of municipal governments, with their extended bases of representation, is it not a fair inference that a Central Government, having a base of representation much wider than the present, would manifest like tendencies? We shall see the more reason for fearing this, when we remember that those who approve of multiplied State-agencies, would generally ally themselves with those who seek for the legislative regulation of labour. The doctrines are near akin; and they are, to a considerable extent, held by the same persons. If united the two bodies would have a formidable power; and, appealed to as they would often be, by candidates expressing sympathy on both these points, they might, even though a minority, get unduly represented in the Legislature. Such, at least, seems to us a further danger. Led by philanthropists having sympathies stronger than their intellects, the working-classes are very likely to employ their influence in increasing over-legislation: not only by agitating for industrial regulations, but in various other ways. What extension of franchise would make this danger a serious one, we do not pretend to say. Here, as before, we would simply indicate a probable source of mischief.

And now what are the safeguards? Not such as we believe will be adopted. To meet evils like those which threaten to follow the impending political change, the common plan is to devise special checks—minor limitations and qualifications. Not to dry up the evil at its source, but to dam it out, is, in analogous cases, the usual aim. We have no faith in such methods. The only effi-

sient safeguard lies in a change of convictions and motives. And to work a change of this kind, there is no certain way but that of letting men directly feel the penalties which mistaken legislation brings on them. "How is this to be done?" the reader will doubtless ask. Simply by letting causes and effects stand in their natural relations. Simply by taking away those vicious arrangements which now mostly prevent men from seeing the reactions that follow legislative actions.

At present, the extension of public administrations is popular, mainly because there has not been established in the minds of the people, any distinct connection between the benefits to be gained and the expenses to be paid. Of the conveniences or gratifications secured to them by some new body of officials with a fund at its disposal, they have immediate experience; but of the way in which the costs fall on the nation, and ultimately on themselves, they have no immediate experience. Our fiscal arrangements dissociate the ideas of increased public expenditure and increased burdens on all who labour, and thus encourage the superstition that law can give gratis benefits. This is clearly the chief cause of that municipal extravagance to which we have above adverted. The working men of our towns possess public power, while many of them do not directly bear public burdens. On small houses the taxes for borough-purposes are usually paid by the landlords; and of late years, for the sake of convenience and economy, there has grown up a system of compounding with landlords of small houses even for the poor's-rates chargeable to their tenants.

Under this arrangement, at first voluntary but now compulsory, a certain discount off the total rates due from a number of houses, is allowed to the owner, in consideration of his paying the rates, and thus saving the authorities trouble and loss in collection. And he is supposed to

raise his rents by the full amount of the rates charged. Thus, most municipal electors, not paying local taxes in a separate form, are not constantly reminded of the connection between public expenditure and personal costs; and hence it happens that any outlay made for local purposes, no matter how extravagant and unreasonable, which brings to them some kind of advantage, is regarded as pure gain. If the corporation resolves, quite unnecessarily, to rebuild a town-hall, the resolution is of course approved by the majority. "It is good for trade, and it costs us nothing," is the argument which passes vaguely through their minds. If some one proposes to buy an adjoining estate, and turn it into a public park, the working classes naturally give their support to the proposal; for ornamented grounds cannot but be an advantage, and though the rates may be increased, that will be no affair of theirs. Thus necessarily arises a tendency to multiply public agencies and increase public outlay. It becomes an established policy with popularity-hunters, to advocate new works to be executed by the town. Those who disapprove this course are in fear that their seats may be jeopardized at the next election, should they make a vigorous opposition. And thus do these local administrations inevitably lean towards abnormal developments.

No one can, we think, doubt, that were the rates levied directly on all electors, a check would be given to this municipal communism. If each small occupier found that every new work undertaken by the authorities, cost him so many pence extra in the pound, he would begin to consider with himself, whether the advantage gained was equivalent to the price paid; and would often reach a negative conclusion. It would become a question with him whether, instead of letting the local government provide him with certain remote advantages in return for certain moneys, he might not himself purchase with such moneys

immediate advantages of greater worth; and, generally, he would decide that he could do this. Without saying to what extent such a restraint would act, we may safely say that it would be beneficial. Every one must admit, that each inhabitant of a town ought constantly to be reminded of the relation between the work performed for him by the corporation and the sum he pays for it. No one can, we think, deny that the habitual experience of this relation would tend to keep the action of local governments within proper bounds.

Similarly with the Central Government. Here the effects wrought by public agencies, are still more dissociated from the costs they entail on each citizen. The bulk of the taxes being raised in so unobtrusive a way, and affecting the masses in modes so difficult to trace, it is scarcely possible for the masses to realize the fact, that the sums paid by Government for supporting schools, for facilitating emigration, for inspecting mines, factories, railways, ships, etc., have been in great part taken from their own pockets. The more intelligent of them understand this as an abstract truth; but it is not a truth present to their minds in such a definite shape as to influence their actions. Quite otherwise, however, would it be if taxation were direct; and the expense of every new State-agency were felt by each citizen as an additional demand made on him by the tax-gatherer. Then would there be a clear, constantly-recurring experience of the truth, that for every thing which the State gives with one hand it takes away something with the other; and then would it be less easy to propagate absurd delusions about the powers and duties of Governments.

No one can question this conclusion who calls to mind the reason currently given for maintaining indirect taxation; namely, that the required revenue could not otherwise be raised. Statesmen see that if instead of taking

from the citizen here a little and there a little, in ways that he does not know or constantly forgets, the whole amount were demanded in a lump sum, it would scarcely be possible to get it paid. Grumbling and resistance would rise probably to disaffection. Coercion would in hosts of cases be needed to obtain this large total tax; which indeed, even with this aid, could not be obtained from the majority of the people, whose improvident habits prevent the accumulation of considerable sums. And so the revenue would fall immensely short of that expenditure which is supposed necessary. This being assented to, it must perforce be admitted that under a system of direct taxation, further extension of public administrations, entailing further costs, would meet with general opposition. Instead of multiplying the functions of the State, the tendency would obviously be to reduce their number.

Here, then, is one of the safeguards. The incidence of taxation must be made more direct in proportion as the franchise is extended. Our changes ought not to be in the direction of the Compound-Householders-Act of 1851, which makes it no longer needful for a Parliamentary elector to have paid poor's-rates before giving a vote; but they ought to be in exactly the opposite direction. The exercise of power over the national revenue, should be indissolubly associated with the *conscious* payment of contributions to that revenue. Direct taxation instead of being limited, as many wish, must be extended to lower and wider classes, as fast as these classes are endowed with political power.

Probably this proposal will be regarded with small favour by statesmen. It is not in the nature of things for men to approve a system which tends to restrict their powers. We know, too, that any great extension of direct taxation will be held at present impossible; and we

are not prepared to assert the contrary. This, however, is no reason against reducing the indirect taxation and augmenting the direct taxation as far as circumstances allow. And if when the last had been increased and the first decreased to the greatest extent now practicable, it were made an established principle that any additional revenue must be raised by direct taxes, there would be an efficient check to one of the evils likely to follow from further political enfranchisement.

The other evil which we have pointed out as rationally to be feared, cannot be thus met, however. Though an ever-recurring experience of the relation between State-action and its cost, would hinder the growth of those State-agencies which undertake to supply citizens with positive conveniences and gratifications, it would be no restraint on that negative and inexpensive over-legislation which trespasses on individual freedom—it would not prevent mischievous meddling with the relations between labour and capital. Against this danger the only safeguards appear to be, the spread of sounder views among the working classes, and the moral advance which such sounder views imply.

"That is to say, the people must be educated," responds the reader. Yes, education is the thing wanted; but not the education for which most men agitate. Ordinary school-training is not a preparation for the right exercise of political power. Conclusive proof of this is given by the fact that the artisans, from whose mistaken ideas the most danger is to be feared, are the best informed of the working classes. Far from promising to be a safeguard, the spread of such education as is commonly given, appears more likely to increase the danger. Raising the working classes in general to the artisan-level of culture, rather threatens to augment their power of working polit-



ical evil. The current faith in Reading, Writing, and Arithmetic, as fitting men for citizenship, seems to us quite unwarranted: as are, indeed, most other anticipations of the benefits to be derived from learning lessons.

There is no connection between the ability to parse a sentence, and a clear understanding of the causes that determine the rate of wages. The multiplication-table affords no aid in seeing through the fallacy that the destruction of property is good for trade. Long practice may have produced extremely good penmanship without having given the least power to understand the paradox, that machinery eventually increases the number of persons employed in the trades into which it is introduced. Nor is it proved that smatterings of mensuration, astronomy, or geography, fit men for estimating the characters and motives of Parliamentary candidates. Indeed we have only thus to bring together the antecedents and the anticipated consequents, to see how untenable is the belief in a relation between them. When we wish a girl to become a good musician, we seat her before the piano: we do not put drawing implements into her hands, and expect music to come along with skill in the use of pencils and colour-brushes. Sending a boy to pore over law-books, would be thought an extremely irrational way of preparing him for civil engineering. And if in these and all other cases, we do not expect fitness for any function except through instruction and exercise in that function; why do we expect fitness for citizenship to be produced by a discipline which has no relation to the duties of the citizen?

Probably it will be replied that by making the working man a good reader, we give him access to sources of information from which he may learn how to use his electoral power; and that other studies sharpen his faculties and make him a better judge of political questions. This is true; and the eventual tendency is unquestionably good.

But what if for a long time to come he reads only to obtain confirmation of his errors? What if there exists a literature appealing to his prejudices, and supplying him with fallacious arguments for the mistaken beliefs which he naturally takes up? What if he rejects all teaching that aims to disabuse him of cherished delusions? Must we not say that the culture which thus merely helps the workman to establish himself in error, rather unfits than fits him for citizenship? And do not the trade-unions furnish us with evidence of this?

How little that which people commonly call education prepares them for the use of political power, may be judged from the incompetency of those who have received the highest education the country affords. Glance back at the blunders of our legislation, and then remember that the men who committed them had mostly taken University-degrees, and you must admit that the profoundest ignorance of Social Science may accompany intimate acquaintance with all that our cultivated classes regard as valuable knowledge. Do but take a young member of Parliament, fresh from Oxford or Cambridge, and ask him what he thinks Law should do, and why? or what it should not do, and why? and it will become manifest that neither his familiarity with Aristotle nor his readings in Thucydides, have prepared him to answer the very first question a legislator ought to solve. A single illustration will suffice to show how different an education from that usually given, is required by legislators, and consequently by those who elect them: we mean the illustration which the Free-trade agitation supplies. By kings, peers, and members of Parliament, mostly brought up at universities, trade had been hampered by protections, prohibitions, and bounties. For centuries had been maintained these legislative appliances which a very moderate insight shows to be detrimental. Yet, of all the highly-

educated throughout the nation during these centuries, scarcely a man saw how mischievous such appliances were. Not from one who devoted himself to the most approved studies, came the work which set politicians right on these points; but from one who left college without a degree, and prosecuted inquiries which the established education ignored. Adam Smith examined for himself the industrial phenomena of societies; contemplated the productive and distributive activities going on around him; traced out their complicated mutual dependences; and thus reached general principles for political guidance. In recent days, those who have most clearly understood the truths he enunciated, and by persevering exposition have converted the nation to their views, have not been graduates of universities. While, contrariwise, those who have passed through the prescribed *curriculum*, have commonly been the most bitter and obstinate opponents of the changes dictated by politico-economical science. In this all-important direction, right legislation was urged by men deficient in the so-called best education; and was resisted by the great majority of men who had received this so-called best education!

The truth for which we contend, and which is so strangely overlooked, is, indeed, almost a truism. Does not our whole theory of training imply that the right preparation for political power is political cultivation? Must not that teaching which can alone guide the citizen in the fulfilment of his public actions, be a teaching that acquaints him with the effects of public actions?

The second chief safeguard to which we must trust is, then, the spread, not of that mere technical and miscellaneous knowledge which men are so eagerly propagating, but of political knowledge; or, to speak more accurately—knowledge of Social Science. Above all, the essential thing is, the establishment of a true theory of government

—a true conception of what legislation is for, and what are its proper limits. This question which our political discussions habitually ignore, is a question of greater moment than any other. Inquiries which statesmen deride as speculative and unpractical, will one day be found infinitely more practical than those which they wade through Blue Books to master, and nightly spend many hours in debating. The considerations that every morning fill a dozen columns of *The Times*, are mere frivolities when compared with the fundamental consideration—What is the proper sphere of government? Before discussing the way in which law should regulate some particular thing, would it not be wise to put the previous question—Whether law ought or ought not to meddle with that thing? and before answering this, to put the more general question—What law should do, and what it should leave undone? Surely, if there are any limits at all to legislation, the settlement of these limits must have effects far more profound than any particular Act of Parliament can have; and must be by so much the more momentous. Surely, if there is danger that the people may misuse political power; it is of supreme importance that they should be taught for what purpose political power ought alone to be used.

Did the upper classes understand their position, they would, we think, see that the diffusion of sound views on this matter more nearly concerns their own welfare and that of the nation at large, than any other thing whatever. Popular influence will inevitably go on increasing. Should the masses gain a predominant power while their ideas of social arrangements and legislative action remain as crude as at present, there will certainly result disastrous meddlings with the relations of capital and labour, as well as a disastrous extension of State-administrations. Immense damage will be inflicted: primarily on employers; sec-

ondarily on the employed; and eventually on the nation as a whole. These evils can be prevented, only by establishing in the public mind a profound conviction that there are certain comparatively narrow limits to the functions of the State; and that these limits ought on no account to be transgressed. Having first learned what these limits are, the upper classes ought energetically to use all means of teaching them to the people.

In No. XXIV. of this journal, for October, 1857, we endeavoured to show, that while representative government is, by its intrinsic nature, better than any other for administering justice or insuring equitable relations of citizens to each other, it is, by its intrinsic nature, worse than any other for all the various additional functions which governments commonly undertake. To the question—What is representative government good for? our reply was—"It is good, especially good, good above all others, for doing the thing which a government should do. It is bad, especially bad, bad above all others, for doing the things which a government should not do."

To this truth we may here add a correlative one. As fast as a government, by becoming representative, grows better fitted for maintaining the rights of citizens, it grows not only unfitted for other purposes, but dangerous for other purposes. In gaining adaptation for the essential function of a government, it loses such adaptation as it had for other functions; not only because its complexity is a hindrance to administrative action, but also because in discharging other functions it must be mischievously influenced by class bias. So long as it is confined to the duty of preventing the aggressions of individuals on each other, and protecting the nation at large against external enemies, the wider its basis the better; for all men are similarly interested in the security of life, prop-

erty, and freedom to exercise the faculties. But let it undertake to bring home positive benefits to citizens, or to interfere with any of the special relations between class and class, and there necessarily enters an incentive to injustice. For in no such cases can the immediate interests of all classes be alike. Therefore do we say that as fast as representation is extended, the sphere of government must be contracted.

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**POSTSCRIPT.**—Since the foregoing pages were written, Lord John Russell has introduced his Reform Bill; and in application of the general principles we contend for, a few words may fitly be added respecting it.

Of the extended county-franchise most will approve, save those whose illegitimate influence is diminished by it. Adding to the rural constituencies a class less directly dependent on large landowners, can scarcely fail to be beneficial. Even should it not at first perceptibly affect the choice of representatives, it will still be a good stimulus to political education and to consequent future benefits. Of the redistribution of seats, little is to be said, further than that, however far short it may fall of an equitable arrangement, it is perhaps as much as can at present be obtained.

Whether the right limit for the borough-franchise has been chosen, is, on the other hand, a question that admits of much discussion. Some hesitation will probably be felt by all who duly weigh the evidence on both sides. Believing, as we do, that the guidance of abstract equity, however much it may need qualification, must never be ignored, we should be glad were it at once practicable more nearly to follow it; since it is certain that only as fast as the injustice of political exclusion is brought to an end, will the many political injustices which grow out of it, disappear. Nevertheless, we are convinced that the forms

which freedom requires, will not of themselves produce the reality of freedom, in the absence of an appropriate national character, any more than the most perfect mechanism will do its work in the absence of a motive power. There seems good reason to think that the degree of liberty a people is capable of in any given age, is a fixed quantity; and that any artificial extension of it in one direction, simply brings about an equivalent limitation in some other direction. French republics show scarcely any more respect for individual rights than the despotisms they supplant; and French electors use their freedom to put themselves again in slavery. In America, the feeble restraints imposed by the State are supplemented by the strong restraints of a public opinion which, in many respects, holds the citizens in greater bondage than here.

And if there needs a demonstration that representative equality is an insufficient safeguard for freedom, we have it in the trades' unions already referred to; which, purely democratic as is their organization, yet exercise over their members a tyranny that is almost Neapolitan in its rigour and unscrupulousness. The greatest attainable amount of individual liberty of action, being the true end; and the diffusion of political power being regarded mainly as a means to this end; the real question when considering further extensions of the franchise, is—whether the average liberty of action of citizens will be increased?—whether men will be severally freer than before to pursue the objects of life in their own way? Or, in the present case, the question is—whether the good which £7, £6, or £5 householders would undoubtedly do in helping to abolish existing injustices, will be partly or wholly neutralized by the evil they might do in establishing other injustices? The desideratum is, as large an increase in the number of electors as can be made without enabling the people to carry out their delusive schemes of over-legislation

Whether the increase proposed is greater or less than this, is the essential point. Let us briefly consider the evidence on each side.

As shown by Lord J. Russell's figures, the new borough-electors will consist mainly of artisans; and these, as we have seen, are in great part banded together by a common wish to regulate the relations of capital and labour. As a class, they are not as Lord J. Russell describes them, "fitted to exercise the franchise freely and independently." On the contrary, there are no men in the community so shackled. They are the slaves of the authorities they have themselves set up. The dependence of farmers on landlords, or of operatives on employers, is much less servile; for they can carry their capital or labour elsewhere. But the penalty for disobedience to trades-union dictates, pursues the rebel throughout the kingdom. Hence the great mass of the new borough-electors must be expected to act simultaneously, on the word of command being issued from a central council of united trades. Even while we write, we meet with fresh reason for anticipating this result. An address from the Conference of the Building Trades to the working classes throughout the kingdom, has just been published, thanking them for their support; advising the maintenance of the organization; anticipating future success in their aims; and intimating the propriety of recommencing the nine-hours' agitation. We must, then, be prepared to see these industrial questions made leading questions; for artisans have a much keener interest in them than in any others. And we may feel certain that many elections will turn upon them.

How many? There are some thirty boroughs in which the newly-enfranchised will form an actual majority—will, if they act together, be able to outvote the existing electors; even supposing the parties into which they are now



divided were to unite. In half-a-dozen other boroughs, the newly-enfranchised will form a virtual majority—will preponderate unless the present liberal and conservative voters coöperate with great unanimity, which they will be unlikely to do. And the number proposed to be added to the constituency, is one-half or more in nearly fifty other boroughs: that is, in nearly fifty other boroughs, the new party will be able to arbitrate between the two existing parties; and will give its support to whichever of these promises most aid to artisan-schemes. It may be said that in this estimate we assume the whole of the new borough-electors to belong to the artisan-class, which they do not. This is true. But on the other hand it must be remembered, that among the £10 householders there is a very considerable sprinkling of this class, while the freemen chiefly consist of it; and hence the whole artisan body in each constituency will probably be not smaller than we have assumed. If so, it follows that should the trades-union organization be brought to bear on borough-elections, as it is pretty certain to be, it may prevail in some eighty or ninety places, and command from 100 to 150 seats—supposing, that is, that it can obtain as many eligible candidates.

Meanwhile, the county-constituencies in their proposed state, as much as in their existing state, not being under trades-union influence, may be expected to stand in antagonism to the artisan-constituencies, as may also the small boroughs. It is just possible, indeed, that irritated by the ever-growing power of a rich mercantile class, continually treading closer on their heels, the landowners, carrying with them their dependents, might join the employed in their dictation to employers; just as, in past times, the nobles joined the commonalty against the kings, or the kings joined the commonalty against the nobles. But leaving out this remote contingency, we may fairly expect

the rural constituencies to oppose the large urban ones on these industrial questions. Thus, then, the point to be decided is, whether the benefits that will result from this extended suffrage—benefits which we doubt not will be great—may not be secured, while the accompanying evil tendencies are kept in check. It may be that these new artisan-electors will be powerful for good, while their power to work evil will be in a great degree neutralized. But this we should like to see well discussed.

On one question, however, we feel no hesitation; namely, the question of a ratepaying-qualification. From Lord John Russell's answer to Mr. Bright, and more recently from his answer to Mr. Steel, we gather that on this point there is to be no alteration—that £6 householders will stand on the same footing that £10 householders do at present. Now by the Compound-Householders-Act of 1851, to which we have already referred, it is provided that tenants of £10 houses whose rates are paid by their landlords, shall, after having *once* tendered payment of rates to the authorities, be thereafter considered as ratepayers, and have votes accordingly. That is to say, the ratepaying-qualification is made nominal; and that in practice it has become so, is proved by the fact that under this Act, 4,000 electors were suddenly added to the constituency of Manchester.

The continuance and extension of this arrangement, we conceive to be wholly vicious. Already we have shown that the influence of taxation ought to be made more direct as fast as popular power is increased; and that, as diminishing the elector's personal experience of the costs of public administration, this abolition of a ratepaying-qualification is a retrograde step. But this is by no means the sole ground for disapproval. The ratepaying-qualification is a valuable test—a test which tends to separate the more worthy of the working classes from the

less worthy. Nay more, it tends to select for enfranchisement, those who have the moral and intellectual qualities especially required for judicious political conduct. For what general mental characteristic does judicious political conduct presuppose? The power of realizing remote consequences. People who are misled by demagogues, are those who are impressed with the proximate results set forth to them, but are not impressed by the distant results, even when these are explained—regard them as vague, shadowy, theoretical, and are not to be deterred by them from clutching at a promised boon. Conversely, the wise citizen is the one who conceives the distant evils so clearly, that they are practically present to him, and thus outweigh the immediate temptation. Now these are just the respective characteristics of the two classes of tenants whom a ratepaying-qualification separates:—the one having their rates paid by their landlords, and so losing their votes; the other paying their own rates, that they may get votes:—the one unable to resist present temptations, unable to save money, and therefore so inconvenienced by the payment of rates as to be disfranchised rather than pay them; the other resisting present temptations and saving money, with the view, among other ends, of paying rates and becoming electors. Trace their respective traits to their sources, and it becomes manifest, that, on the average, the pecuniarily improvident must be also the politically improvident; and that the politically provident must be far more numerous among those who are pecuniarily provident. Hence, it is a folly to throw aside a regulation under which these spontaneously separate themselves—severally disfranchise themselves and enfranchise themselves.

## XI.

### MILL *versus* HAMILTON—THE TEST OF TRUTH.

BRITISH speculation, to which, notwithstanding adverse Continental opinion, the chief initial ideas and established truths of Modern Philosophy are due, is no longer dormant. By his *System of Logic*, Mr. Mill probably did more than any other writer to re-awaken it. And to the great service he thus rendered some twenty years ago, he now adds by his *Examination of Sir William Hamilton's Philosophy*—a work which, taking the views of Sir William Hamilton as texts, reconsiders sundry ultimate questions that still remain unsettled.

Among these questions is one of great importance which has already been the subject of controversy between Mr. Mill and others; and this question I propose to discuss afresh. Before doing so, however, it will be desirable to glance at two cardinal doctrines of the Hamiltonian philosophy from which Mr. Mill shows reasons for dissenting—desirable, because comment on them will elucidate what is to follow.

In his fifth chapter, Mr. Mill points out that "what is rejected as knowledge by Sir William Hamilton," is "brought back by him under the name of belief." The

quotations justify this description of Sir W. Hamilton's position; and warrant the assertion that the relativity of knowledge was held by him in but a nominal sense. His inconsistency may, I think, be traced to the use of the word "belief" in two quite different senses. We commonly say we "believe" a thing for which we can assign some preponderating evidence, or concerning which we have received some indefinable impression. We *believe* that the next House of Commons will not abolish Church-rates; or we *believe* that a person on whose face we look is good-natured. That is, when we can give confessedly-inadequate proofs or no proofs at all for the things we think, we call them "beliefs." And it is the peculiarity of these beliefs, as contrasted with cognitions, that their connections with antecedent states of consciousness may be easily severed, instead of being difficult to sever. But unhappily, the word "belief" is also applied to each of those temporarily or permanently indissoluble connections in consciousness, for the acceptance of which the only warrant is that it cannot be got rid of. Saying that I feel a pain, or hear a sound, or see one line to be longer than another, is saying that there has occurred in me a certain change of state; and it is impossible for me to give a stronger evidence of this fact than that it is present to my mind. The tissue of every argument, too, is resolvable into affections of consciousness, that have no warrants beyond themselves. When asked why I assert some mediately-known truth, as that the three angles of a triangle are equal to two right angles, I find that the proof may be decomposed into steps, each of which is an immediate consciousness that certain two quantities or two relations are equal or unequal—a consciousness for which no further evidence is assignable than that it exists in me. Nor, on finally getting down to some axiom underlying the whole fabric of demonstration, can I say more than that it is a

mately decline to furnish any test himself, so long as he does not affirm any thing to be true; but if he affirms some things to be true and others to be not true, his warrant for doing so may fairly be demanded. Let us glance at the possible response to the demand. If asked why he holds it to be unquestionably true that two quantities which differ in unequal degrees from a third quantity are themselves unequal, two replies seem open to him: he may say that this is an ultimate fact of consciousness, or that it is an induction from personal experiences. The reply that it is an ultimate fact of consciousness, raises the question; How is an ultimate fact of consciousness distinguished? All beliefs, all conclusions, all imaginations even, are facts of consciousness; and if some are to be accepted as beyond question because ultimate, while others are not to be accepted as beyond question because not ultimate, there comes the inevitable inquiry respecting the test of ultimacy. On the other hand, the reply that this truth is known only by induction from personal experiences, suggests the query, On what warrant are personal experiences asserted? The testimony of experience is given only through memory; and its worth depends wholly on the trustworthiness of memory. Is it, then, that the trustworthiness of memory is less open to doubt than the immediate consciousness that two quantities must be unequal if they differ from a third quantity in unequal degrees? This can scarcely be alleged. Memory is notoriously uncertain. We sometimes suppose ourselves to have said things which it turns out we did not say; and we often forget seeing things which it is proved we did see. We speak of many passages of our lives as seeming like dreams; and can vaguely imagine the whole past to be an illusion. We can go much further toward conceiving that our recollections do not answer to any actualities, than we can go toward conceiving the non-existence of Space. But

even supposing the deliverances of memory to be above criticism, the most that can be said for the experiences to which memory testifies; is that we are obliged to think we have had them—cannot conceive the negation of the proposition that we have had them; and to say this is to assign the warrant which is repudiated.

A further counter-criticism may be made. Throughout the argument of pure Empiricism, it is tacitly assumed that there may be a Philosophy in which nothing is asserted but what is proved. It proposes to admit into the coherent fabric of its conclusions, no conclusion that is incapable of being established by evidence; and it thus takes for granted that not only may all derivative truths be proved, but also that proof may be given of the truths from which they are derived, down to the very deepest. The result of thus refusing to recognize some fundamental unproved truth, is simply to leave its fabric of conclusions without a base. The giving proof of any special proposition, is the assimilation of it to some class of propositions known to be true. If any doubt arises respecting the general proposition which is cited in justification of this special proposition, the course is to show that this general proposition is deducible from a proposition or propositions of still greater generality; and if pressed for proof of each such still more general proposition, the only resource is to repeat the process. Is this process endless? If so, nothing can be proved—the whole series of propositions depends on some unassignable proposition. Has the process an end? If so, there must eventually be reached a widest proposition—one which cannot be justified by showing that it is included by any wider—one which cannot be proved. Or to put the argument otherwise: Every inference depends on premises; every premise, if it admits of proof, depends on other premises; and if the proof of the proof be continually demanded, it must either end in an

unproved premise, or in the acknowledgment that there cannot be reached any premise on which the entire series of proofs depends. Hence Philosophy, if it does not avowedly stand on some datum underlying reason, must acknowledge that it has nothing on which to stand.

The expression of divergence from Mr. Mill on this fundamental question, I have undertaken with reluctance, only on finding it needful, both on personal and on general grounds, that his statements and arguments should be met. For two reasons, especially, I regret having thus to contend against the doctrine of one whose agreement I should value more than that of any other thinker. In the first place, the difference is, I believe, superficial rather than substantial; for it is in the interests of the Experience-Hypothesis that Mr. Mill opposes the alleged criterion of truth; while it is as harmonizing with the Experience-Hypothesis, and reconciling it with all the facts, that I defend this criterion. In the second place, this lengthened exposition of a single point of difference, unaccompanied by an exposition of the numerous points of concurrence, unavoidably produces an appearance of dissent very far greater than that which exists. Mr. Mill, however, whose unswerving allegiance to truth is on all occasions so conspicuously displayed, will fully recognize the justification for this utterance of disagreement on a matter of such profound importance, philosophically considered; and will not require any apology for the entire freedom with which I have criticised his views while seeking to substantiate my own.





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